App F IX 4

194 / Municipal

ml File No 165-41

Serial Nos 1, 2, 3, 4, 5, 7, 8

Previous References

ml 86-37-42, 53
91-46-20
LR. 561-36

Later References

ml-111-43-47, 70, 79, 106, 107
43

GENERAL AND REVENUE SECRETARIAT

Serial Nos 7

Part B for ~~AGH~~ Jany 43

SUBJECT

Re. Breaching of Somatósank & the pay-
ment of Compensation. to Dist Kalaraksha
The Shimoga town ml c(.

The DC Shimoga
RC
Director of P H
Comptroller
Chief Engineer

Lr no 7428-32 dated 29/4/43

Carelus advancing Rs 7,0,0/ towards
payment of compensation.

ml -
5/9/44

Serial No

1

Petition dt 8-7-40 from C Thamma Rao Shimoga praying for the grant of enhanced compensation in respect of his wet lands S nos 22 & 45 which were acquired for Breaching the Soonah's Tank in Shimoga

1) Subs with previous reference. This reference invites to his letter dt 15-7-35 wherein Rao Sahib was informed of payment of Compensation for loss of his garden wells under the said tank

2) The petitioner claims depreciated value in respect of his lands viz portion of S No 22 and S No 45 below Soonah Tank at Shimoga which was breached by Govt in 1938 (Vide M 188-37 & M 48-39 placed below) He is entitled to some relief and Govt have also passed orders in this behalf (Vide G O No R/ZR 881-38-2 D/27-7-39)

3) He has also petitioned to this Re on 22-6-40 His report may be awaited or if necessary this petition may also be sent to him for forwarding a report

4) A report may be called for from the Re

5) Submitted for

6) Yes

16/7

NOTE—Contn Sheet
CHIEF SECRETARY
16 JUL
GOVT OF

Enhanced compensation to Shamarao in respect of his wet lands acquired for enlarging the Shimoga Tank in Shimoga

File No. LR 7 of 194 0

General and Revenue Secretariat

Serial No

Subs with a draft letter to the Rev Com'r

Refer para 4 of 6 above

17

17-7

TYPING 1 C JUL 1940 GEN

A 586 dt 22/7/40

To the Rev Com'r

Calls for a report

Sec A or 2 cfs

Petition dt 19-9-1940 from G S Shamarao Shimoga, praying for early settlement of his case

a) The R.C. has not yet furnished a report in this case. A reminder was issued

~~A reminder is separately proposed to be issued~~ in this case. R.C.'s reply will be awaited

Subd 26/9

b) Submit

Sec A 26/9/40

26-9

Letter No C 548/40-41 dt 25/26-9-1940 from the Rev Comm'r at Mysore, Bangalore, forwarding report of the D.C. stating that action is being taken and a final reply submitted soon

a) Subd for perusal. Further report will be awaited

30/9

b) Submit

Sec A 30/9/40

30-9 Petition dt 28-9-1940 from Sri G Shamarao, Shimoga, requesting for early orders

P.T.O.

3318
3330

Representation of R C Shamarao Shimoga
R 1410
Secs 198

General and Revenue Secretariat

File No LR 7 of 1940 [App F III-2

Serial No

on the question of paying enhanced Compensation to him

(3) The R C has reported that the question is under ~~active~~ consideration and that a final reply on the question would be submitted early. His reply may perhaps be awaited

Subd
HG
4/10

(4) Sec

Sec A
HG
6/10/40

HG 5-10

HG 4-10 Petition dt 17 12 1940, from R C Shamarao, explaining reasons for Grounds Secretariat his demands with Govt

(5) The Report of the R C will be awaited, he being reminded

Subd 18 There may be some re
HG 21/10. the R C made a request
that the report may be
expedited

HG 21/10

(7) Draft letter submd

HG 22/10

(8)

TYPING SECTION
30 DEC 1940
GOVT OF MYSORE

No R 4611/B 6 1 1941, requesting the R C to expedite a reply in the matter to the Secretariat

HG
6/1/41

NOTE—Contn Sheet

Representation of K C Rama Rao, Shimoga

4029

File No L.R 7 of 1940

General and Revenue Secretariat

Serial No

Petition dt 19 3 1941, from K C Rama Rao Shimoga, to the Chief Secretary to Government praying for early orders on his case

19) Orders on the P.P.D

Why this delay?'

Ins B T K
7 R 20/3

A Report has been called for from the D C in the matter & he has been reminded to send Report early, recently he has written to Govt stating that the report from the D C Shimoga is awaited and that immediately on its receipt he would send a final reply

'Q'
'R'

This may be awaited if appd

Subd
24/3 JAH
Secy

for
Chief Secy

24/3 MK

24 MAR 1941
GOVT OF MYSORE

Sec A
25 3/41

JC)

Letter no C 541/140-41 dated 1 5 41 from the Rev Comr in Mysore forwarding a further report regarding the petition of Mr C Shama Rao praying for payment of enhanced compensation

22) Subd It is seen that the Shimoga Collector is taking action

4776 Govt

Serial No

for the acquisition of Sy nos 21-38 and 41 to 45 of Shimoga village (of which Sy nos 22 and 45 belong to Mr Shama Rao) with a view to prevent wet cultivation thereon in the interests of health

vide cncl to P to D

2a) As action is proposed to be taken under section 142 of the Town Municipalities Act and as the compensation is understood to be found by the Shimoga Town rated, this file will if approved be transferred to the L S G. Branch for further action

vide cncl to the P W D

Does not appear the way JAK 3/5

BG 3/5/41 2b) The receipt of the final report could be awaited. If agd

JAK 3/5

Shri C Rao 3/5

2c) Yes MG 3-5-41

Sec A JAK 5/5

3 MAY 1941 GOVT OF MYSORE SECRETARY

Petition dt 23 6 1941, from Mr C Shama Rao, Sonnada Bungalow, Shimoga, requesting on his (own) petition re acquisition of his lands by the Municipality and steps for early action thereon

2d) Mr A D A to look personal the report promised by the R C will be awaited

2e) Noted 1/7/41 JAK 2/7

2f) Noted 2g) Do send a note to Mr Rao

3a) Mr Rao JAK Secretary's D/O Lr 14/8/1941 to Rc

1 JUL 1941 L & R SECT

NOTE—Contn Sheet

5/7 JAK

Representation of Sri C Shama Rao, Shimoga

475 488

File No LR 7 of 1940 — General and Revenue Secretariat

Serial No

Letter No C 5241/Govt 9 28/30 7 1941, from the Revd Commr at Mysore, Bangalore, forwarding the report of the Shimoga Deputy Commr on the petition of C Shama Rao

31) For the Circumstances explained in the letter of the Dy Commr, Sri C Shama Rao perhaps has reasonably to wait both the Govt orders in the earlier petitions against the acquiring the lands for the Municipality and also the appl of Govt

1/8/41 JM

32) Please put this Memo with the connected file

6/8/41

33) After the usual putting up the connected file

9/8/41

34) The file in question is put up for perusal before reply

The file for this Branch

Asst Secy Rev (Govt) 9-8

35) Submitted that for Council the petitioner does not strictly speaking the Municipality should decide in the first instance under the provisions of the Rules but the matter can & should be treated as a case of appeal against the order of the Deputy Commr and as such has been referred for the orders of Govt. The Govt may therefore proceed to get the Case disposed of early

Secy 11-8-41

Hon'ble Sri Jnan Rao Minister

11/8/41

11/8/41

OFFICE OF THE MINISTER FOR FINANCE & REVENUE 11 AUG 1941 No 630

CHIEF SECRETARY 11 AUG 1941 GOVT OF MYSORE

P.T.O.

Representation of Mr. C. Shama Rao of Shimoga

Sec 49 (7)

Rev 8 (Pub)

General and Revenue Secretariat | File No) of 1940 | R 2537 | App F III-2

Serial No	
	1) Submit a draft ...
	30) Jan-Feb 1942
	No R. 962/42-43-15-8-1941 directs the early disposal of the case of the Rep to the R C
	Notification no L 3710/HL 91-41-20 dt 8 Nov 1941 extending the limits of the Shimoga Town Municipality will effect from 1st Dec 1941
	) Submitted for perusal. S. nos 21, 27, 28, 34, 35 have been included in the Municipal limit. These S nos belong to Mr C Shama Rao. The Rev Comr in his letter dt 1-5-41 has requested the Dep com to settle the claim of Mr C Shama Rao. Now that the notification is published the Dep com will settle the claim early. The final report promised by the Rev Comr is due. ~~The report may perhaps be awaited~~
	21) A reminder from Mr Shama Rao is also received today. The RC may perhaps be reminded. Draft reminder submitted
	22) Under the reminder issued regarding the land within Municipal limits. Please find out from the D C what action has been taken by the Municipal Commissioner

NOTE—Contn Sheet

1941.

Representation of Mr C Shama Rao.

File No. LR 7 — R 2535 Shimoga of 1941 — General and Revenue Secretariat

Serial No.

) Draft Subd.

Sub 18/11/41

24) Sir to Engr.

Rep. Depn. Shimoga

R 2373 21/XI/

Requesting to intimate what action has been taken

Sub 21/11

TYPING SECTION 19 NOV 1941 SECTT

Sub A

Sub 21/XI JH

Representation of Mr C Shama Rao, Shimoga. (9

General and Revenue Secretariat | LR File No 7 of 1940 | [App F III—2

Serial No

Petition dated 5th December 1941 from Mr C Shama Rao, Shimoga, praying for grant of compensation

45) Rev Minister's minute on the petition -

"Chief Secretary for a note with references".

Intld K V A

The facts of the case are as follows -

46) With a view to improving the sanitary conditions of Shimoga Town, the tank known as "Somaiya's tank" which was close to the Shimoga Town, was ordered to be breached, and an estimate for the same for Rs 12,000/- was sanctioned by Govt, the Executive Engineer, Shimoga Division being entrusted with the work (Vide G O No L 7000-4/M1 82-36 dated 14th April 1938 and L 8418-22/M1 188-37-3 dated 13th Febry 1939) This tank has an Atchkat of 130 acres and 33 guntas of wet lands assessed at Rs 349/1/-

As a result of the breaching, certain survey numbers have been deprived of the irrigation facilities which they enjoyed since re-survey The Rev Commr submitted proposals in June 1939 for the acquisition of the irrigation rights in the several survey numbers included in the Atchkat of the tank After consulting the Law Secy a reply was sent to the Rev Commr that irrigation rights as such cannot be acquired and that the entire lands have to be acquired as wet and re-sold as dry, and that before doing so, in cases in which the parties were

NOTE—Contn Sheet

WD 04155—G1B—55 000—23 10 41

Representation of Mr C Shamarao, Shimoga

LR File No 7

of 1942

General and Revenue Secretariat

Serial No

No R. 4477 dt 15 1 1942

The Dc Shimoga Dt

Requests him to report the stage in which the question stands

Letter dt 13 2 1942 from Mr C Shamarao reiterating his prayer for part of Compensation in respect of lands bearing S nos 22 & 45 of Shimoga Village owing to their conversion from Wet into Dry by the breaching of Sowlahs tank

S 2) The Revenue Minister's Minute on the Petition "What has happened to this?"

Submitted

S 3) The Dc, Shimoga Dist, has been requested in this office letter no R 4477 dt 15 1 42 to report the stage in which the question stands No reply has been received from him The facts of the case are explained in Paras 46-49 Supra Submitted for orders

17/2 S 4) Please put up a draft

Sd

S 5) Draft Memo is put up for appl

17/2 Sd S 6) Done & returned

Sd

TYPING SECTN 17 FEB 1942

Issued no R 5188 dt 18 2 42

The D C Commr, Shimoga Dt

Requests him to report immediately the stage in which the question stands

Representation of Mr C Shamanna, Shimoga (13)

General and Revenue Secretariat | LR File No 7 | of 1940 4498 4474 | [App F III—2

Serial No

Resubd (Vide para 56)

4/18-2 JW 57) Land revenue is remitted in Malnad areas

The D.C. has been asked to report the present extent & has been reminded also to submit report in connection with the U.S.D. 187

Shimoga (57)

58) The report from the D.C. Shimoga has been received & awaits

Mem 9/2/42

(Mem of Jan 42)

Ra 212

Mem 23/2/42

Letter dt 2 3 1942 from Mr C Shamanna, Shimoga, praying for grant of Compensation in respect of the lands under Somalis tank

Submits with a draft letter & an Act Memo for Govt (Vide orders on the petition)

4/9/3 JW

Letter No M3 C 2392/40-41 dt 9 3 42 from the D.C. Shimoga in the matter

59) The D.C. states that the Municipal Council at a General Meeting held on 30 1 1942

NOTE—Contn Sheet

WD 04155—GPB—55 000—23-10 41

1[illegible]) Grant of compensation to the ateshakatdars under Somiahs tank

File No 7 of 1940 | General and Revenue Secretariat

Serial No

S 3931 K

G & R SECRE 15 NOV 1942 L S G BRANCH

returning the records have passed a resolution stating that S 142 of the Town Municipal Act does not apply.

62) The D.C. proposes that action may be taken under S 200 of the Mun' Act directing the Mun' Council to settle the claims of the ateshakatdars within two months

61) If appd. the L.S.G. Br will be consulted in the first instance re the suggestion at Para 4) of the P.O.

D 10 3 dft 11/3

62) Law Secretary may please comment

Sd 11/3

Sd

CHIEF SECY 11 NOV 1942 GOVT OF MYSORE

63) Law Sec 11/3 Sd

SECY L & W DEPT 2137 11 NOV 1942 GOVT OF MYSORE

Hon 12/3/42 Sd

64) It is seen from the references placed below that Somwarpet Taluk in Shimoga District was breached defunctly with a view to improving the health of that Town As a further preventive measure against Malaria, wet cultivation on certain

Flag E

Serial No

S. nos of Shimoga village had to be prevented. Action was taken to extend the limits of the said Muplty so as to include the said S. nos within its limits. As a result of the enactment the Md bd. are now able to prohibit the wet cultivation at places which are Sources of Malaba

(6) The Md bd themselves had resolved to include the lands referred to within the Md limits and in notifying the extension of the Shimoga Md limits it was made clear that the Md bd should adhere to the provision of Sec 142 of the Mysore Town Municipalities Act, 1933 which requires that Compensation should be paid out of the Municipal funds, to all persons interested, for any damage caused to them by absolute prohibition. As action to prohibit wet cultivation on the lands in question has been taken solely in the interests of the health of the Muplty area, it appears equitable also that the Md bd should pay the compensation out of the Md funds if they fail or refuse to take action

NOTE—Cont Sheet

Grant of compensation to the ayakatdars under Samaths tank

393 / L
File No of 194

General and Revenue Secretariat

Serial No

in this behalf, action will have to be taken by Govt, after giving notice to them, as provided for under Sec 200 of the T.M. Act & C.C. Govt to provide for performance of duties in default & of rel cl meeting the expenditure out of the funds of the Municipality

66) For orders of the Shimoga Town and it may be informed accordingly

Kuse 23/3/42 67) The proposals made by the Dc Shimoga are in order, Taking Dc 24/3 into consideration the facts of the case and the legal points involved therein it is hard to understand the attitude of the Shimoga Town Mt bd, which cannot, under the Law, disclaim its responsibility to compensate the ayakatdars under the Samaths tank, which has been breached as an anti-malaria measure, in the interest of the health of the inhabitants of the Town - vide also Dlg 7 (reverse) L. Action will accordingly be taken as suggested by the Dc in para 4 of his letter dated 9 3 42 (P W D) A

Law Secy) Jun 24/3

(vide para 64 dtd 7-3-42 Secy)

SECT L N IFFT 2467 23 10 2 GOVT OF MYSORE

Breach: Somali tank, Shenugga — Compensation to the Abbabdars — 3 (11) re Shenugaddie

General and Revenue Secretariat | File No 5393/1 of 191 R4531 [App F III—2

Serial No

OFFICE OF THE FIRST R
FOR L & C & P H
Date 25 3 1942
No 5713

(1) 'A' may be approved
Minute
(55)
Hm
2
25 3 42

(69) [illegible]
25 3 42

Hm
27/3/42

70) Draft please
27/3/42

71) For perusal and return before taking further action

72) Asst Sec Rev W/Ue 27/3/42

73) [illegible]
27/3

74) [illegible]

75) Seen

CHIEF
27 MAR 1942
CONT OF M.O.

Law
31/3

Hm
30/3/42

76) Submitted with a draft letter to the Dy Comm Shenugga Bight
Law
31/3/42
31/3
77) A draft letter is putting the Law section in a position to peruse the same before issue
Law Sec
31/3/42

SECY L & W DEPT
2700
1 APR 1942
GOVT O

NOTE—Contn. Sheet

78) No need
Hm
1/4/42

WD 04155—GPB—55 000—43 10 41

Breaching of ... tank, Shimoga -
Compensation to the Atchkatdars by
the Shimoga Town Mcl

ML File No L-[illegible]/d- 555 of 1941/2

General and Revenue Secretariat

Serial No

[illegible] SECRETARIAT
RECEIVED
Date 4 4 1942
No 0071

79) for perusal before issue
Minister
L S 4)

Hm
2
1/4/42
for
5) Hm
8 4 42

Hm
2
9 4 42
1) issue
Fg/4/42

To

The Deputy Commissioner, Shimoga Dist -
No L 9671 dt 11-4-42
Issues certain instructions Secy

From The D C Shimoga Dt
No M3-3090/41-42 dt 4 7 42

States that the amount of Compensation
due to the Atchkatdars for the loss of
irrigation rights in Connection with
the breaching of Somlahi tank at Shimoga
works up to Rs 7000/- approximately, which the
Local Mcty is ~~not liable~~ not in a
position to bear and that early action
would be taken to settle the claims for Compensation
if a special allotment of Rs 7000 for the
purpose is sanctioned by Govt ~~asked for orders~~

Petn from Mr Rama Rao

149/L

Grant of Compensation to the Akkatdars in Connection with the Breaching of Somashekara Tank at Shimoga

General and Revenue Secretariat

File No of 1942 [App F III-2

Serial No	
	82) The P.W.D which is self-explanatory is for favour of perusal
	83) The Shimoga Town Municipal Council has resolved on 16/5/42 that it is not liable to pay any Compensation as it did not prohibit wet Cultivation It is stated by the D.C that the Mcty is not in a position to bear even a portion of the Cost in this behalf
	86) Sanction of Govt is requested to a Grant of Rs 7000/- to settle the claims for Compensation for the loss of irrigation rights made in Connection with the breaching of Somashekara tank at Shimoga
	85) Submitted for orders in the reference in paras 1, 2, 12, 13 & 14 of the Printed file An enquiry has been made from the I & C Branch in regard to the acquisition of irrigation rights in respect of lands under the Sankal tank required for the Lal Bagh Garden
Flag 'D' in the Printed file	11/7 CS 11/7
	86 Pending examination of the question as to how far the contention of the Shimoga Town Council that it is not liable to pay the Compensation to be awarded in this case the claims of the akkatdars whose wet lands have been taken away & converted into dry have to be settled as directed by the

NOTE—Cont Sheet

Breaching Formalities Fund, Shimoga
– Compensation to the Headmasters by the Shimoga Town Municipal

File No. 149 of 194 — General and Revenue Secretariat

Serial No

Minister for Revenue & Finance Hence it is a point for orders if a sum of Rs 7000/ may not be advanced from out of the Town Improvement funds for 1942-43, subject to recoupment from out of the funds of the Shimoga Town Municipal Council for orders.

Law Secy 1817/42

SECY LAW DEPT 537 * 14 DEC 1942 GOVT OF MYSORE

2) A. Rao may be asked to give his views on the points raised by the Municipal Council may be requested

Minister S G & Municipal Revenue

Secy 21-7-42

Secy 21-7-42

OFFICE OF THE MINISTER FOR L.S.G & P.H. Date 21-7-42 No 228

Secy 22-7-42

24/7/42

OFFICE OF FOR FIN 23 No 712

Secy 24-7-42

3) Draft Ltr

Secy 27-7-42

Draft G Opinion for approval

Secy 578

Law Secy 91/42 578/42

SECY LAW DEPT 1426 * 3 AUG 1942 * GOVT OF MYSORE

Compensation to the owners of lands (Breaches) 21
1491/L Lavanis Inam - Thungabhadra Proj

General and Revenue Secretariat — File No 65 of 1941/42 — [App F III-2

Serial No

DEPUTY SECRETARY'S OFFICE
6 AUG 1942
NO 1261

92 For perusal
Ans
6-8-42
Delivered

93 Nil
7/8/42
Ans 8-8

94 The draft G.O. may be issued
approved -
Law Secy
8/8/42

95) Ans 6
6-8

96) I) Agree

97) Revenue 8/8/42

Financial sanction has not been considered
Draft and facts below

For perusal
8/8/42

95) Q.64 8/8

For Secy
98) AS 8/8
JDJ 13/8

99) Agree 13/8

100) Issued

NOTE—Cont Sheet

WD 0415 —GPE—5 000—28 10 41

GOVT LAW DEPT 1550.2 GOVT OF MYSORE

(105)

Payment of Compensation to Ashtakadas in Connection with the Breach of the Somavathi tank

File No 165 at Shimoga of 1941

General and Revenue Secretariat

Serial No

To,

The Dc Shimoga Dest
The Rev Commr
The Dept Dir
The Chief Engr
The Comptroller This the Pol Secy

L 1937-41 Dy 14/8/42 — 814

Reference the grant of ~~Rs 7~~ an advance of Rs 7000/- from out of the Town Improvement Grant for the year 1942-43 subject to recompense from the funds of the Shimoga Town Mal Council and directs that the claims for Compensation should be settled early and a report submitted as to the liability of the Mal Council in this behalf.

Petn Dy 6/8/42 from Sri G Shama Rao Shimoga, praying for early orders for the payment of Compensation due to him

Orders of the Minister for Finance and Revenue on the Letter

Chief Secy

Has not the matter been settled?

(X 61) K-V A

Kind reference is invited to G O No L 1937-41/Mal 165-41-4 Dy 12/8/42 sanctioning the grant of an advance of Rs 7000/- from out of the Town Improvement Grant for the Current year

X B

1/51/2 Grant of Compensation to Atchkat dars in connection with the breaching of Somasks tank at Shimoga tank

General and Revenue Secretariat — File No 165 of 1941-42 — [App F III-2

Serial No	
	for the settlement of Claims for Compensation of the atchkat dars in connection with the breaching of the Somasks tank at Shimoga subject to the recoupment from the funds of the Shimoga Town Municipal Council The D.C Shimoga has been requested to take early action in the matter
	103) A draft endorsement to the petitioners is put up for orders
	Yah 14/8 GS 14/8 may be approved Law Secy 15/8/42
	104) Ans 15-8-42
	105) Issue advice To Mr C. Shamu Rao, Shimoga L20544 dt 15.8.42 States that Govt have passed necessary final orders and that he may approach the D.C Shimoga direct 15/8/42
	106) Resubmitted both refer to the orders at para 101 of the note Yah 17/8 GS Law Secy 17/8/42
	107) Write to D.C and send a copy of the petitioners Claim as settled & thereon Ans 17-8-42
	108) Draft letter put up for appr Yah 19/8 GS 109) Issued 19-8-42

NOTE—Cont Sheet

Payment of Compensation to ackkatdars in Connection
1051/L with the Breaching of Somaks tank at Shemoga
M File No 165/2909/L 3092, 3112, 3381/L of 1941 General and Revenue Secretariat

Serial No

To. The D C Shemoga Dt
L 2187 dt 20 8 42
Requests him to submit a report after the
claims of the pekhtaars Sm C Shama Rao
is settled; which should be done early

Recd A 20/8.

Petns Dated 14 11 42, 16 11 42, 28 11 42
from Sm C Shama Rao, Shemoga praying for
~~that~~ that claims in Connection with the
loss of irrigation rights under the Somaks'
tank may be settled early together with
interest from ~~the~~ dat April 1938
From. The D. C. Shemoga Dt
No M3—C 3090/41-42 dt 6 11 42
Requests in the circumstances
explained modification of the G.O
dt 12 8 42 passed in the matter
10) It is reported that there is no question
of acquisition of dry lands at all in Connection
with the breaching of Somaks tank
at Shemoga The entire ackkat is
118 acres and 11 guntas in respect of which
Compensation for the loss of irrigation
rights has to be paid. Out of this
total extent of land 28 acres guntas and 14 guntas
was actually under wet cultivation and
the remaining extent of 90 acres and 37 guntas
was lying as fallow land not actually under

Grant of Compensation for breaching of Sorwar although classed as wet at the time of breaching of the tank at Shimoga

wet cultivation at the time of breaching of the tank It is therefore proposed to grant Compensation for the loss of irrigation rights as the said wet land have since been converted into dry. A higher rate of Rs 100 per acre Compensation as Rs 100 per acre is proposed in respect of the extent of 24 a — 12 g of land actually under wet cultivation while a lower rate as Rs 50 per acre is proposed in respect of the remaining extent viz 90 acres 23 guntas not actually under wet cultivation The D.C reports state that action would be taken to settle the claims after the G.O is modified by him on the above suitably as the lines suggested Certain Corrections have been accordingly been made in pencil in the G.O Dt 12-8-42 for appl or other orders

Flag 'V'

P.A.D

111) The letter received from Mr. C Shama Rao praying for the settlement of his claim for Compensation together with interest from April 1938 may perhaps be forwarded to the D.C Shimoga Dt for the kind perusal & Asst O/M forwarding there he has to the D.C Shimoga Dt is put up for orders. Asked for orders

Asst 5/12
OS 5/12

112) A draft modified draft G.O is also put up for orders

Asst 9/1

290 Grant of Compensation in connection with the breaching of Somati's tank at Shimoga

113) The draft G.O. may be approved

114) Two or three petitions have been received from the aforesaid persons praying for the speedy settlement of their claims and interest. These will be forwarded to the D.C. for disposal in another opportunity.

Assistant Comptroller, Local Audit Circle, Shimoga

Lawday for 11/1/43

SECY LAW DEPT 8241 GOVT OF MYSORE

115) The D.C has represented that there is some error in describing lands in the previous G.O.

116) The revised draft may be approved

11

Nov 22-43

Secs 11-1-43 for 19/1/43

Secy 27/1/43

Secs 29-1-43

Asst Secretary for 29/1/43

OFFICE OF THE MINISTER FOR L S G & P H Date 12/1/43 No 53554

To,
The D C Shimoga
The Rev Comm
The Dy Supdt
The Comptroller
The Chief Engr

Secy B

RL 8

Secy B 6/2

D 7428-32 dy 29/43.

Issue a modified Sanction for the advance of Rs 2000 in the manner given with certain instructions

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Government Order No.L 6962-6/M1.48-38-103 dated 1-3-1939 sanctioning a revised estimate ~~for Rs.344~~/- for the work connected with the breaching of Somiah's tank at Shimoga as an anti-malaria measure, the work being executed by the Public Works Department.

2. Government Order No.1937-41/L.166-41-4 dated 12-8-1942 sanctioning the grant of an advance of Rs.7000/- from out of the Town Improvement Grant for the current year, required to settle the claims for compensation of the atchkatdars for the loss of irigation rights in respect of the atchkat comprised of an extent of 115 acres and 11 guntas of land subject to its recoupment later on from the funds of the Shimoga Town Municipal Council.

3. Letter No.13-6-3090/41-42 dated 6-11-1942 from the Deputy Commissioner, Shimoga District, stating that the 2nd of the Government orders read above requires to be modified slightly and that necessary action would be taken to settle the claims of the atchkatdars after the Government Order is suitably modified.

Order No. L 7428-32-Rel 165-41-8

Dated, Bangalore, the 29 January 1943.

The Deputy Commissioner, Shimoga District has reported that the total atchkat under the aforesaid Somiah's tank excluding the extent of land already acquired for the Railway, Tramway etc., is 115 acres and 11 guntas of land out of which an extent of 24 acres and 12 guntas of land was actually under wet cultivation while the remaining extent of 90 acres and 39 guntas, although classed as wet land, is fallow land not actually under wet cultivation at the time of and just prior to breaching the tank, He has therefore proposed to grant compensation for the loss of irrigation rights at the rate of Rs.100/- and Rs.50/- per acre in respect of the extent of 24 acres and 12 guntas of land actually under wet cultivation and in respect of the extent of 90 acres and 39 guntas used as pasture land respectively. The Deputy Commissioner has stated that a sum of Rs.7000/- approximately would be required in order to settle the claims for compensation of the atchkatdars on the abovementioned basis. In modification of the Government Order dated 12th August 1942 read above, Government are pleased to approve of the proposals of the Deputy Commissioner and to grant an advance of Rs.7000/- for the purpose from out of the Town Improvement grant for the current year, subject to recoupment from the funds of the Shimoga Town Municipal Council.

The Deputy Commissioner is requested to take action to settle immediately the claims for compensation of the atchkatdars and submit a detailed report with particular reference to the liability and ability of the Shimoga Town Municipal Council in regard to discharging of their responsibility in the matter.

Ramachandra Rao

for Secretary to Government,
Law Department.

To

The Deputy Commissioner, Shimoga District.
The Revenue Commissioner in Mysore, Bangalore.
The Director of Public Health in Mysore,
The Comptroller to Government.
The Chief Engineer of Mysore, Public Works Department.

WD 0972—GPB—10 000 21-10 42

Appendix F G—1]

SUBJECT

Section L R

3 copies

File No 7-40

Serial No 2

Diary No of letter replied to

No R 586 Eve Peter's letter 20th July 40

General and Revenue Secretariat

( )

the *19*

To

The Rev Fr

Sir

Date of issue 22-7-40

I am directed to forward herewith for favour of a report petition dated 8th July 40 (in original with its enclosures) received from C. Thamotharan Shenoga praying for the grant of enhanced Compensation in respect of lands bearing Survey Nos 22 of 45 Block 1 which were affected by the breach of ~~inadequate for breaking~~ the Tamarind tank in Shenoga town in 1938

Signed by M S K.V

The petition and its enclosures may be returned with your report at an early date

I have etc

for Chief Secy

List of enclosures

Copied by

Examined by

WD 03695—GPB—30 000—29 1 40

GOVERNMENT OF MYSORE

General and Revenue Secretariat

A visitor desiring to see any officer is requested to send up his name, stating the nature of his business

Name C Shama Rao
Somalis Bungalow, Shimoga

Whom he wishes to see - To day
8-7-1940

Business Representation -
about depreciation
Value for wet Lands -
below Somesha Tank Shim
which was breached

Please ---
if the previous reference is.
A Commander Rec. is marked
A demand is under
Please

OFFICE OF THE CHIEF SECRETARY
20 SEP 1940
RECEIVED

sws 198 28

I.R

124

To,

The Chief Secretary
to the Government of Mysore
Bangalore.

REVENUE SECRETARIAT
20 SEP 1941
GOVT OF MYSORE

L R 7-40-10

Most Respected Sir,

I request the favor of your kind reference to my petition dated 11th July 1940 Re the Assignment of depreciation Value to my wet Lands below Somiahs Tank at Shimoga, which was breached by Governmen This is pending since April 1938 The delay is Causing Serious loss to me I pray for early orders

I beg to remain
Most Respected Sir
Your Most Obedient Servant
L Shamanna Rao

Eastern Portion of Somiahs Bungalow
Shimoga dated 19th September 1940

The reference cited & the party's
not received in this branch
He has not even given his address
No enquiries have yet been
will be held after perusal

Submitted
26/9

There is no file in this office
Please take it out & trace
if the previous reference is there

25-9

A Reminder R.C. is sent
A reminder is under issue
Please

25/9.

No C 541/40-41
Encl

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE

Bangalore dated 25th September 1940

R 1348

FROM

Rukn ul Mulk
S ABDUL WAJID, Esq, B A,
Revenue Commissioner in Mysore,
Bangalore

CHIEF SECRETARY 27 SEP 1940 GOVT OF MYSORE

C. R. OFFICE 27 SEP 1940

To Rajasevaprasakta
B T Kesavaiengar, Esqr, B A,
Chief Secretary to Government of His Highness
the Maharaja of Mysore,
Department, Bangalore

L R. 7—40—11

SIR,

Subject — Petition of Mr C Shama Rao, Shimoga praying for the grant of enhanced compensation in respect of ~~lands~~ his wet lands S.Nos 22 and 45 which were affected by the breach of Somiah's tank

With reference to your letter No 587/LR 7-40-2 dated 22-7-1940 calling for a report on the above subject, I have the honour to forward herewith a copy of letter No A5-Acqn 46/38-39 dated 12-9-1940 received from the Deputy Commissioner, Shimoga expalining the action taken already in the matter and to state that a further report will be sent to you, on the receipt of the Deputy Commissioner's final report

PTO

Commissioner's final report

I have the honour to be,
Sir,
Your most obedient servant,

Revenue Commissioner

HRC/2

Letter No A5-Acqn 46/38-39 dated 12th September 1940 from the Deputy Commissioner, Shimoga District to the Revenue Commissioner in Mysore

---O----

Subject --Enhanced compensation - as wet land S Nos 22 an Shimoga - affected by the breach of Somiah's Tank - prayer of Mr C Shama Rao

---

With reference to your memo No 541/40-41 dated 28th July 1940 calling for a detailed report on the above subject, I h the honour to state that as already reported in this office No A Rn 469/38-39 dated 18th Junae 1940, the matter was referred to t President, Shimoga Town Municipal Council on 13-6-1940 for takin action as per Section 142 of the Town Municipal Act and to pay compensation due to the owners of the land The petitions receive with your memo dated 28th July 1940 were also forwarded to the President for submission of the report with the records His reply is still awaited He has however been reminded to submit the records immediately on r ceipt of which a detailed report wil be made

---

"Copy"

K-H Narasimha Rao

For Revenue Commissioner

HRC

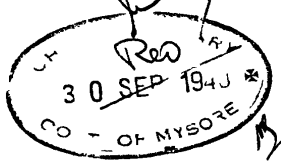
2R

32

R 1410

Mr 14

AM 30/9



To,

The Chief Secretary
to the Government of Mysore
Bangalore.

Most Respected Sir,

I request the favor of your Kind reference to my petition dated 11th July 19 and subsequent petition dated 19th September 194 praying for early orders regarding the payment of depreciation value to my wet lands below Someah's tank at Shemoga which was breache by Government. This is pending since April 193 I therefore pray for early payment

D No 1147
Dr. 26/9

I beg to remain
Most Respected Sir,
Your most Obedient Servant
C Shamaiah

Eastern Portion
of Someah's Bungalow
Shemoga Dt 28th September 1940

Subd & perusal with reference
Dual report will be awaited
HG
3/10.

3 R

Sec 198

R 1584 33

16/10

The Chief Secretary's
to the Government of Mysore
Bangalore

Most Respected Sir,

I request the favor of your kind reference to my petition dated 11th July 1940 and subsequent reminder petitions submitted on 19th September 1940 & 28th September 1940 re the payment of depreciation Value to my wet lands below Somaiah's Tank at Shimoga and pray for early orders and endorsement

I beg to remain
Most Respected Sir
Your Most Obedient Servant
C Shamaiah

Eastern Portion of
Somaiah's Bungalow
Shimoga Dt 11th October 1940

Reminders are being issued

TYPING SECTION
23 OCT 1940
GEN & REV SECTT

Remainder is suggested as he is frequently sending up reminders

No R 2 094/39-40 dt 26.10.40 with one file containing the matter is enclosed for necessary action

35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore, 26th October 1940.

~~D~~O No R 2896

ENDORSEMENT

Granted to Mr C Shama Rao, Eastern Portion of Somiah's Bungalow, Shimoga.

In reply to his petition dated 19th September 1940 and subsequent reminders requesting for relief on the loss sustained by him by the sale of his properties, etc., he is informed that the matter is engaging the attention of Government.

By Order,

Chief Secretary to Government

Aga/2

G R S VI 9 G]

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

GENERAL AND REVENUE SECRETARIAT

Dated Bangalore 26-10-1940

No R28896

ENDORSEMENT

Granted to G. S. Rama Rao, Extra Post Man
of Somathis Bangalow, Shimoga

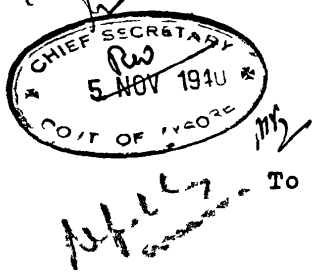
In reply to his petition dated 19th Sept. 1940 and subsequent reminders requesting for relief on the loss sustained by him by the sale of his properties etc
he is informed that the matter is engaging the attention of Govt and that action ~~thereon will be taken~~ in the case

By Order,

Chief Secretary to Government

4 R

R 1926 37



To

The Chief Secretary
to the Government of Mysore,
B A N G A L OOR E

Most Respected Sir,

I beg to state that I am given an endorsement No 2896 dated 26th October, 1940, mentioning it as a reply to my petition dated 19th September 1940 ~~of~~ and further reminders. Petition dated 19-9-1940 was only a reminder to my Original petition dated 11th July, 1940 in which I have represented clearly that the depreciation value due in April, 1938, for my wet lands below Somiah's Tank, -- after its breach by Government, has not yet been paid to me even though the records relating to it have been completed long ago. However by some mistake the subject - matter of the petition has been wrongly noted in the endorsement as "Relief for the loss sustained in the sale of property."

2 I therefore once more bring to your kind notice that ~~for~~ my prayers are for early payment of depreciation value for my wet lands below Somiah's Tank at Shimoga - When I presented my petition in July 1940 in my interview I orally pointed out the reason why I feared unnecessary delay by the local authorities in paying the amount. I was assured then that I would be heard after the records were received. I think my original petition of July 40 has been sent to the Subordinate Office calling for records which is delayed.

3 In conclusion I beg leave to request for an interview after the receipt of the records so that I may - produce the referendes I have to convince about my repre-

P.T.O.

39

Please quote this number in your future communications
No R3549

Office of the Chief Secretary to Govt

Dated 20-11-1940

ENDORSEMENT

Mr. G Shama Rao,
Eastern portion of Sonachi Bungalow, Shimoga

Reference —His/~~Her letter~~/petition dated 4-11-1940, praying for early orders on his petitions of 8-7-1940 etc

Subject — Regarding payment of compensation on account of depreciation in value of his wet lands S Nos 42 & 45, below Sonachi Tank in Shimoga, which was breached by Government in 1938

~~Reference is invited to item No 2 below~~ The matter is receiving the attention of Govt

Signature

by order

Designation

for Chief Secretary to Government
8/11/40

*1 The request cannot be granted

2 The ~~letter~~/petition has been referred to the Revenue Commissioner and Deputy Commissioner, Bangalore for Report.

3 Attention is drawn to this office No dated

4 No dated cannot be traced, a copy may be sent

5 The enclosures are not received

6 The petition is returned herewith as
(i) it is not in the prescribed form
or (ii) it is not duly stamped
or (iii) it is not presented within the prescribed time
or (iv) it is not accompanied by a copy of the order appealed from or complained of

7 The petition is returned for presentation to

8 The petition is returned
(*a*) as it is written illegibly
(*b*) as its subject matter is not clear
(*c*) as it is couched in improper language

Reasons if any to be mentioned in brief

WD 01724—GPB—8 000—23 4 28

40

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 6-1-41

Signed by M. S-K

List of enclosures

Copied by

Examined by

Section LR

File No 17-40

Serial No R

No R46 11/Sup

To

The Revenue Commissioner
at Home,
Bangalore

Sir,

Subject Representation of
Mr C Shamarao, Shimoga, praying
for depreciation value of his landed
property situated at Shimoga

In continuation of the
Office Memo 587/8 22 7 40,
calling for a report on the above
subject, I am directed to forward
herewith another petition of
17 12 40 from Mr Shamarao and

P Secy.

41

I beg to request your kind to expedite
your reply in the matter of

4-2

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No R 4661/LR17-40

Dated Bangalore, 6th January 1941

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

The Revenue Commissioner in Mysore,

Bangalore.

Sir,

Subject - Representation of Mr.C.Shama Rao, Shimoga, praying for depreciation value of his lands under Somiah's tank etc.

In continuation of this office letter No.587 dated 22nd July 1940, calling for a report on the above subject, I am directed to forward herewith another petition dated 17th December 1940 from Mr Shama Rao, and to request you kindly to expedite your reply in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Copy/

For Chief Secretary to Government.

21/1/41

mk.3

Sen 198

43

R 3698

By Regd post

To

The Chief Secretary
to the Government of Mysore
Bangalore

25 FEB 1941
GOVT OF MYSORE

TYPING SECTION
27 FEB 1941
GEN & REV SECTT

Ry 1A

Most Respected Sir,

I request the favor of your kind reference to my original petition dated 8th July 1940 and the marginally noted further requisitions re orders for early payment of depreciation Value for my wet lands, Survey numbers 22 and 45 below Somiahs Tank at Shemoga, breached by Government, and urge for early orders since it is pending since April 1938

19-9-1940
28-9-1940
11-10-1940
4-11-1940
17-12-1941
29-1-1941

GENERAL SECTT
25 FEB 1941

I beg to remain
Most Respected Sir,
Your Most Obedient Servant
C Shamaiah

Eastern Portion of
Somiahs Bungalow
Shemoga Dt 24th February 1941

Subd. This is a reminder
wherein one Rel. has been
reminded to dispatch a reply
on 6.1.41 This report will be
awaited.

Noted. This is a reminder
sent to the Rel.

Noted.

Shemoga R 6026/93 & 41
to Rel.

27/2

45

D O No R6026 LR7-40

GENERAL AND REVENUE SECRETARIAT.

Dated Bangalore 3rd March ~~February~~, 1941.

Dear Sir,

I am desired to invite kind reference to this office letter No R 586 dated 22nd July 1940, and subsequent reminders calling for a report on the representation of Mr C Shama Rao, Shimoga, praying for the grant of enhanced compensation in respect of his lands under Somiah's tank and to request you kindly to expedite your reply as the question is pending for a long time

Yours sincerely,

Sd/- S K Venkatanarasimha Iyer

Rukn-Ul-Mulk
S Abdul Wajid, Esquire, B A ,
Revenue Commissioner in Mysore,
B a n g a l o r e

Memo No R6027 Bangalore, Dated 3rd March ~~February~~, 1941

Copy of the above is forwarded with compliments to the Deputy Commissioner, Shimoga District

(Copy)

Chief Secretary to Government

45

Appendix F G—1]

SUBJECT

Section L. R

File No 7- 40

Serial No

Diary No of letter replied to

No R 60 26

To Dear Sir,

I am desired to invite
kind reference to This Office
letter No R 580/8 22 7 1940,
and ~~The Inadvertently omitted~~ Enclosure reminder
asking for a report on the representation
taken up by M C Rama Rao, Rajmaha
praying for grant of enhanced compensation
~~for depreciation Value of~~
in respect of his lands
~~his lands~~ under Bomiah's Tank ~~etc~~
and to request you kindly to
expedite your reply as the ~~matter~~
question is pending for a long time
~~is repeatedly referred to you~~

General and Revenue Secretariat

( )

the *19*

Date of issue 2-3-41

Signed by M S M V

~~(-) NOR 464 /8 6.1.1941~~

List of enclosures

Copied by

Yours Sincerely
1 Sd
27/2

To Rekamalla
S Abdul Majid, BA
Rao Commissioner,

Examined by

R 6028 2-3-41

WD 086—GPB—40 000—30 7 40

Sd
27/2

46

3893
R 14/3

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE

No C 541/40-41

Dated, Bangalore, 11th March'41

From

Rukn-Ul-Mulk
S Abdul Wajid, Esq., B A.,
Revenue Commissioner in Mysore

Rajasevaprasakta.
B T Kesavaiengar, Esq., B A.,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore

Subject - Petition of Mr C Shama Rao, Shimoga, praying for the grant of enhanced compensation in respect of his lands under Somiah's Tank

Sir,

With reference to your D O letter No R 6026/427-40 dated 3rd March 1941 re the above, I have the honour to state that the Deputy Commissioner, Shimoga, in spite of the issue of several reminders has not sent his final report yet He has also been reminded demi-officially today to expedite the report, and on receipt of the same, the report due to ~~Government~~ Your will be sent

I have the honour to be,
Sir,
Your most obedient servant,

Revenue Commissioner

Subd for perusal The receipt of the further report will if approved, be awaited

8th Reminder

47

R 4029

By Regd Post To

The Chief Secretary
to the Government of Mysore,
BANGALORE

Most Respected Sir,

In continuation of my last detailed petition dated 17th November 1940 and subsequent reminders, I beg leave to bring to your kind notice the following facts which I am able to collect till now

A proposal was brought before the Municipal Council of Shimoga Town by one of the Municipal Councillors at the meeting held on 10-6-1940, for including Survey numbers 21 to 38 and 41 to 45 of Shimoga Kasba village, below Somiah's tank, within the Municipal limit This subject was included in the Agenda as No 5 on 10-6-1940 It was resolved by a majority that it is unnecessary to extend the municipal limits so as to include the lands within the limits After this the Deputy Commissioner was pleased to issue instructions to the municipality to include all the Survey numbers below Somiah's tank at Shimoga within the municipal limits This subject was first included in the Agenda issued on 21-6-1940 The proposal was finally accepted by the municipal council, at their meeting held in November 1940 I have secured copies of printed Agenda of both and will produce them if required Further I learnt from my brother that the Deputy Commissioner has issued an endorsement No L 45 Acq 46/38-39 on 8th August 1940, stating that "With reference to their petitions praying for the settlement of compensation, the Atchkatdars under the Somiah's tank are hereby informed that the petitions have been forwarded to the President, Shimoga Town Municipal Council, for disposal under section 142 Municipal Act" They may approach the President in the matter" I hear that action is taken now to submit a notification to Government for publication of the last resolution of the municipal council to include all the survey numbers below

below Somiah's tank within the municipal limits without any recommendation for the payment of depreciation value which was repeatedly urged since April 1938 I fear that all the records relating to the Settlement of Depreciation Value, the special instructions issued by Government in this connection, and all my petitions to Government, received through the Revenue Commissioner for the submission of the previous records referred to in all my petitions, will be kept back, since the records were not submitted though repeatedly called for by Government with reference to my reminder petitions, I apprehend this The mere breaching of the tank itself had made the khatedars below Somiah's tank to abandon wet cultivation and I cannot conceive what made the Revenue authorities, who are to protect ryots' interest, to refer the matter for taking action under section 142 of Municipal Act when there was no likelihood of raising insanitary crops

As I have already represented my grievances in detail I only request you to kindly consider once more the above facts and my representations and give me a chance for personal representation and to produce the evidences I have secured before allowing the proposal if any received by Government either from the Municipality or the Deputy Commissioner

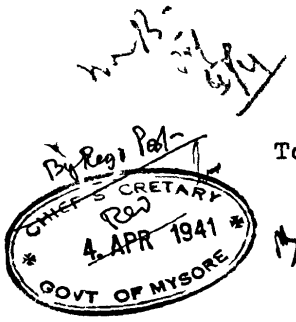
Since I am too old being 71 years of age to bear the strain of suspense of monetary help for which I have claim for immediate payment, I pray for an early endorsement in the matter

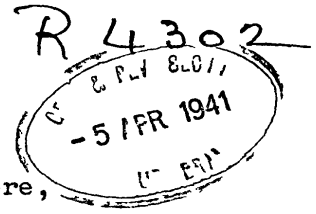
I beg to remain,
Most Respected Sir,
Your most obedient servant,
C. Shamaiah

Eastern Portion of
Somiah's Bungalow,
Shimoga,
Dated 19th March 1941

9 E R

4 7





To

THE CHIEF SECRETARY
to the Government of Mysore,
BANGALORE

Most Respected Sir,

I beg to remind about my petition dated 8th July 1940, and subsequent reminders praying for early orders for payment of depreciation value to my lands below Somiah's Tank at Shimoga I submit herewith for kind perusal a copy of endorsement No L 45 Acqn 46/38-39 dated 8th August 1940 issued by the Deputy Commissioner, Shimoga In this the Atchkatdars are informed that their petitions have been sent to the President, Shimoga Town Municipal Council for disposal under Section 142 of the Municipal Act But at first when petitions were presented to the Deputy Commissioner in April 1938, for payment of depreciation value, he got the enquiry about the claim recorded through the Revenue authorities and recommended for the acquisition of only water right of the lands This proposal was sent back by Government issuing special instructions in letter No R 480/L R 581-38-2 dated 27th July 1939, in the matter of disposing the claim After this elaborate enquiry was held by the Shimoga Revenue Sub Division Officer and certain recommendation was sent to the Deputy Commissioner in the matter, who in turn held oral enquiry Since no orders were passed as per special instructions I approached Government praying for early settlement in July 1940 I have repeatedly represented all the facts relating to the delay in hastening the disposal of the record The present method, has been adopted to delay still further the disposal of the question by referring the matter to the Municipal President

President even though the lands are not within the Municipal limits I learn that all my petitions received from the Secretariat for the submission of the previous records have been sent to the Municipality and I fear that the previous records will be mislaid or lost sight off, since a new procedure is adopted If there were no such other motive the records would have been submitted as soon as my petitions were received from the Secretariat and further instructions would have been sought in the matter No such action is taken

I therefore most respectfully pray Government, to obtain the records without delay and decide the question I have sufficiently represented all my grievances in my previous petitions and my age and the pecuniary difficulty force me once more to request the Government to duly consider all the facts and favour me with an endorsement

EASTERN PORTION
OF SOMIAH'S
BUNGALOW, SHIMOGA,
Date 3rd April 1941

I beg to remain,
Most Respected Sir,
Your most obedient servant
L Shamarao

No L 45 Acqn 46/38-39

Office of the Deputy Commissioner,
Shimoga District,
Dated Shimoga, 8th August 1940

5-1

E N D O R S E M E N T

With reference to their petitions praying for the settlement of compensation the Atchkatdars under the Somiah's tank are hereby informed that the petitions have been forwarded to the President, Shimoga Town Municipal Council for disposal under Section 142, Municipal Act They may approach the President in the matter

Sd/- B Suryanarayana Rao,
8-8-40
For DEPUTY COMMISSIONER,
Shimoga Dist

"TRUE COPY"

No.C.541/40-41 OFFICE OF THE REVENUE COMMISSIONER IN MYSORE,

Dated, Bangalore, 29th April 1941

From

Rukn-Ul-Mulk
S Abdul Wajid, Esq!, B A,
Revenue Commissioner in Mysore,
Bangalore

SECRETARY 1941 OF MYSORE

To

Rajasevaprasakta
B T Kesavaiengar, Esq , B A ,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore

S i r,

Petition of Mr C Shama Rao, Shimoga praying for the grant of enhanced compensation in respect of his lands under Somiah's tank

---

In continuation of this office letter of even No dated 12-3-1941 regarding the above, I have the honour to forward herewith a copy of Shimoga Deputy Commissioner's letter No A5-Aqn 46/38 dated 17-4-1941 together with a copy of its enclosure and to state that it is reported that it was resolved by the Shimoga Town Municipal Council in the special meeting held on 23-11-1940 that S Nos 21 to 38 and 41 to 45 of Shimoga village be included in the Municipal limit and that action might be taken to prohibit the wet cultivation on these lands under section 142 of the Town Municipal Act thereafter The Deputy Commissioner has already addressed (vide his letter No M3 C 2392/40dated 22-3-1941) the Secretary to Government, Law Department requesting him to obtain sanction of Government to publish a notification in the Mysore Gazette under Section 7(1) of the Town Municipalities Act calling for objections to the proposed Extensions of the municipal boundary The Deputy Commissioner promises to settle the claims of Mr C Shama Rao soon after the notification defining the boundaries of Shimoga Town is issued I have requested the Deputy Commissioner to intimate the President, Town Municipal Council to see that no delay occurs in the matter and that the claim of Mr C Shama Rao is settled very early A final report will be sent to you

for Deputy Commissioner,
Shimoga District

on hearing again from the Deputy Commissioner

I have the honour to be,
Sir,
Your most obedient servant,

REVENUE COMMISSIONER

53

OFFICE OF THE DEPUTY COMMISSIONER
SHIMOGA DISTRICT

No A.5. Aqn. 46/38
Enc One

Dated Shimoga, the 17th April *19* 41

FROM

M SESHADRI, Esq, MA
Deputy Commissioner
Shimoga District,
SHIMOGA

To

Rukn ul Mulk
S ABDUL WAJID, Esq, BA,
Revenue Commissioner in Mysore,
BANGALORE

Subject — Enhanced compensation - wet land S.No 22 and 45 of Shimoga - affected by the Breach of Soniah's tank - prayer of Mr. C. Shama Rao.

SIR,

In continuation of my letter No. A.5. Aqn. 46/38 dated 12th September 1940 reporting that the President, Shimoga Town Municipal Council, was referred to for taking action as per section 142 of the Town Municipal Act., and to pay compensation to the owners of the land, I have the honour to state that the President, Shimoga Town Municipal Council in his No. C.1.17/40-41 dated 23-2-41 has reported that the Council have resolved at its Special Meeting held on 23-11-1940 that S.Nos. 21 to 38 and 41 to 45 of Shimoga village be included in the Municipal limit and that action taken to prohibit the wet cultivation or these lands under section 142 of the Town Municipal Act thereafter He has also reported that the claim of Mr. C Shama Rao for any compensation that may be due to him in respect of S No. 22 and 45 may be considered after the survey numbers 21 to 38, 41 and 43 to 45 are included in the Municipal limits. A recommendation has been made to Government in my letter No. M.3.C 2392/40 dated 22nd March 1941 to obtain sanction of Government to publish a notification in the Gazette under section 4(1) of the Town Municipalities Act calling for objection to the proposed extension of the Municipal Boundary. A copy of the letter is herewith enclosed for reference.

The claim of Mr. C. Shama Rao for the compensation that will be taken up soon after the revised

SIR,

for Deputy Commissioner,
Shimoga D.

13th Reminder

6676

L 5-6-1941

RAJAKARYAPRASAKTA

B T Keshavaiengar, Esq , B A ,
Chief Secretary to Government
of Mysore, BANGALORE

Most Respected Sir,

I had submitted in my petition No 12 R dated 25th May 1941 a copy of my objection petition presented to the Deputy Commissioner, Shimoga District regarding the inclusion of my lands below Somiah's Tank at Shimoga within Shimoga Town Municipal limit as notified in the Mysore Gazette dated 24th April 1941 I am repeatedly praying for the early payment of depreciation value for my lands to compensate the loss of water right due to breaching of the tank by Government Now the proposal of the Shimoga Town Municipality to include these lands within Municipal limits is mainly for the purpose of taking action under Section 142 of the Municipal Act This will entitle me for compensation for loss of crop for 5 years previous to issue of notice to me after the lands are included within municipal limits This is quite separate from my prayers which is to compensate me for the loss of irrigation right due to breaching of the tank and this is urged since 14th April 1938 It is on this account I have once more brought this point to your personal consideration A kind perusal of the file of records pending final orders referred to in my previous petitions would have convinced you about my claim but to my misfortune till now the records have not been obtained and opportunity not given to me to explain the facts with the references I have

I therefore most respectfully beg permission for personal interview before permission is granted for the inclusion of these lands within municipal limits

I have submitted this to your personal address with the hope that in the ends of justice I may be heard personally and the records scrutinised and final orders passed before a wrong step is taken by the Municipality I will be waiting for an early endorsement

Eastern Portion
of Somiah's
Bungalow, SHIMOGA
Date 23rd June 1941

I beg to remain,
Most Respected Sir,
Your most obedient servant
B Shamrao

S X

Officeof the Revenue Commissioner in Mysore

Dated, Bangalore 28th July 1941

No C.541/40-41

From

R 488

Rukn-ul-mulk
S Abdul Wajid Esq B A,
Revenue Commissioner in Mysore.

CHIEF SECRETARY Rec'd 30 JUL 1941 GOVT OF MYSORE

31 JULY 1941

L R. 7-40-35

Rajaseva prasakta
B T Kesavalengar Esq B A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore

Petition of Mr C Shama Rao of Shimoga, praying for the grant of enhanced compensation in respect of his lands under Somiah's tank

Sir,

In continuation of this Office letter of even number dated 10th July 1941, on the above subject, I have the honour to forward herewith for the information of Government a copy of letter No A5 Acqn-66/38-39 dated 21st July 1941, received from the Deputy Commissioner, Shimoga District, and to state that the Deputy Commissioner has been requested to expedite necessary further action in the matter In these circumstances if approved, the petitioner will be endorsed to the effect that he may wait till the completion of the necessary formalities of the case

I have the honour to be,
Sir
Your most obedient servant,

Revenue Commissioner

G R

57

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT

No A.5 Acqn 46/38-39
Enc

Dated Shimoga, the 21st July *19* 41

FROM

M Navaneetham Naidu, Esq , B A , B L ,
~~M.K.SESHADRI, Esq.,~~,
Deputy Commissioner,
Shimoga District,
SHIMOGA

To Revenue Acqn

Ruhn ul Mulk
S ABDUL WAJID, Esq B A,
Revenue Commissioner in Mysore,
BANGALORE

Subject — Petition of Mr C Shama Rao, Shimoga, praying for grant of compensation in respect of lands under the Somiah's tank
*****

SIR,

C 541/40-41

With reference to your Memo No C 541/40-41 dated 10th July 1941 requesting to settle the claim of the petitioner and submit a report, I have the honour to state that a notification calling for objections to the alteration of the limits of the Shimoga Town Municipality so as to bring the lands of the petitioner and others within the Municipal limits has been published by Government in their notification No L 7345/M1 91-40-16 dated 16th April 1941 and action will be taken to have the final notification published after hearing the objections The question of payment of compensation has to be taken up by the Municipality only after a Notification prohibiting the cultivation within the Municipality, is published by Government under section 142 of the Town Municipalities Act and this may necessarily take some time

I request therefore that the petitioner may kindly be endorsed to wait until the above formalities are completed

I have the honour to be,
Sir,
Your most obedient servant,

Sd Suryanarayana Rao

for Deputy Commissioner,
Shimoga District

60

R 435

15th
~~14th~~ REMINDER

To

RAJASEVAPRASAKTA —

B.T Keshaviengar,Esq ,M A ,
Chief Secretary to the
Government of Mysore,
B A N G A L O R E

Most Respected Sir,

I beg to invite your kind reference to my original petition dated 8th July 1940 and the ~~13th~~ 14th reminder dated 23rd June 1941 praying for an endorsement as to when I should appear before you for producing the references I have regarding my claim for depreciation value due to my lands below Somiah's Tank at Shimoga breached by Government My urgency and old age forces me to repeatedly approach you with this requisition for which I beg to be excused

I pray for an early endorsement

I beg to remain,
Most Respected Sir,
Your most obedient servant
B Shamanna

25-7-1941

Address
C Shama Rao
C/o C L Narayana Rao
Forest Range Officer
Chamarajanagar

Eastern Portion
of Somiah's
Bungalow, Shimoga,
Dated 11th July 1941

Appendix F G—1]

SUBJECT

Section L R

File No 7- 40

Serial No 36

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 15-8-41

Signed by Mr S Rao

List of enclosures

opied by

Examined by

No R 967

To

The Revenue Commr

at Mysore,

Bangalore

Sir,

Subject - Petition of Mr

C Shama Rao, Shimoga, praying for grant

of enhanced Compensation on his land

~~and of extra Site expenses of his land~~

~~by the Shimoga Municipality~~

With reference to correspondence

ending with your letter No C 5241/40 1

& 26/80 7 1941, on the above subject,

I am directed to observe that the case

is pending very long, while the Party is

repeatedly petitioning Govt, and to request

I am therefore

PTO

That the Dr Shemoga, may be instructed to
~~that action may be taken to have~~
~~the case~~ ~~enquired~~ of early and to report
~~the matter to Govt~~ ~~and~~ with further action
will then be taken + to arrange for the Settlement & V
Enquiries & investigation
Thank etc Vinayakam

J
A Chief Secy
16/3/8

Memo no R968/15-8941

Copy of the above forwarded w/c
to the Deputy Comm Shimoga for information.
and needful action

J
A Chief Secy
16/3/8

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No R 967
LR 7-40-36

Dated Bangalore, 15th August 1941

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

The Revenue Commissioner
in Mysore, Bangalore.

Sir,

Subject - Petitions of Mr.C.Shama Rao, Shimoga, praying for grant of enhanced compensation in his lands.

With reference to correspondence ending with your letter No.C.541/40-1 dated 26/30th July 1941, on the above subject, I am directed to observe that the case is perding very long, while the party is --- repeatedly petitioning Government, I am therefore to request that the Deputy Commissioner, Shimoga, may be instructed to expedite further action in the matter and to arrange for the settlement of the question of compensation very early.

I have the honour to be,
Sir,
Your most obedient servant.

Off) Sd B.T Varadarajan

/Chief Secretary to Government,

Memo No R 968 dt 15-8-41

Copy of the above is forwarded with compliments to the Deputy Comm Shimoga for information & necessary action

By Order

54

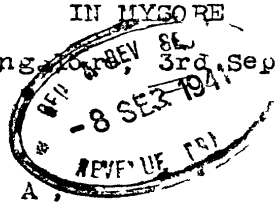
R 1228

'U R G F N T'

No C 541/40-41

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE

Dated, Bangalore, 3rd September'41



From

Rukn-Ul-Mulk
S Abdul Wajid, Esq., B A,
Revenue Commissioner in Mysore

Rajasevaprasakta
B T Kesavalengar, Esq, B A,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore

Subject - Petition of Mr C Shama Rao of Shimoga, praying for the grant of enhanced compensation in respect of his lands under - Somlan's Tank

Sir,

Adverting to your letter No R 967/L R 7-40-36 dated 15th August 1941 on the above subject, I have the honour to state that th Deputy Commissioner, Shimoga District, has been again reminded today to expedite necessary further action in the matter A further communication will be made to you on receipt of report from the Deputy Commissioner as to the result of further action taken regarding the settlement of the claim of the petitioner

Subd with the main file
Kind perusal
8/9/41

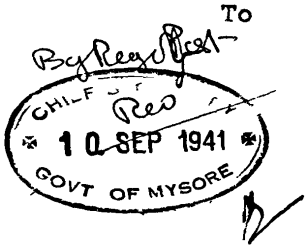
I have the honour to be,
Sir,
Your most obedient servant,
K M Narasimhaiya
Assistant Commissioner,
For Revenue Commissioner,
Absent from the station

4th Remainder

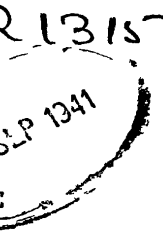
16th Remainder

6's

To



R 1315



The Chief Secretary

To The Government of Mysore

BANGALORE

Most Respected Sir,

I request the favour of your kind reference to my original petition dated 8th July 1940 and my last remunder dated 25th July 1941 praying for an early endorsement regarding my claim for depreciation value for my wet lands below Somiah's Tank at Shimoga

I am, after an attack of severe Malaria, promted to submit this reminder with full hopes of getting an early reply As I am quite confident of that a communication to me in the matter will greatly help to regain my health early, I pray for an acknowledgement of this petition

I beg to remain,

Most Respected Sir,

Your most obedient servant,

C Shama Rao

Chamarajanagar

9th September 1941

C/o Mr C I Narayana Rao,
Range Forest Officer,
Chamarajanagar Range,
Chamarajanagar
(Mysore District)

Sub Mr Dy. Thamya has been asked to expedite further ~~distant~~ action in the above case in this Office letter dt 15-8-41 His reply will be awaited. If appl

JAM
11/9

17th Reminder

66

R 2081

By Regd post—

Rev

CHIEF 23 OCT 1941 GOVT OF MYSORE

BEN & ACC 24 OCT 1941 REVENUE

To

The Chief Secretary
to the Government of Mysore
Bangalore—

Most Respected Sir,

I request the favor of your kind reference to my original Petition dated 8th July 1940 and my last reminder dated 9th September 1941, addressed from Chamaraja Nagar praying for an endorsement re my claim for depreciation value due to my wet lands below Somesha Tank at Shimoga As I have come to Shimoga I beg to be informed whether the records pending with the Deputy Commissioner Shimoga have been received

I beg to remain
Most Respected Sir,
your most Obedient Servant
L. Shivanna Rao

Eastern Portion of Somesha Bungalow
Shimoga Dt 21st October 1941

Submitted for perusal with the connected file

In this office letter dated 15-8-41, the RC was requested to instruct the Deputy Comr Shimoga to expedite further action in the matter and to arrange for the settlement of the question of compensation very early An ad interim reply was received from the Rev Comr in his letter of 3rd Sept 1941 Final reply has not yet been received from RC

28/10/41

67/D

OFFICE OF THE REVENUE COMMISSIONER,
IN MYSORE,

No C.541/40-41.

Dated, Bangalore, 23rd October *1941.*

25

R 2157

27 OCT 1941

FROM Rukn-Ul-Mulk
S Abdul Wajid, Esq , B A ,
Revenue Commissioner in Mysore
Bangalore.

CHIEF SECRETARY
27 OCT 1941
GOVT OF MYSORE

To
Rajasevaprasakta
B.T Kesavaiengar, Esq , B.A ,
Chief Secretary to Government of Mysore,
Bangalore

SIR,

2157

With reference to your D O letter No R 2462 dated 13th October 1941 on the above subject, I have the honour to state that the Deputy Commissioner, Shimoga District has not yet submitted the report called for in the matter He has been reminded again today to submit the report due immediately On receipt of the report in question a further communication will be made to you

I have the honour to be,
Sir,
Your most obedientservant,
Abdulwajid
Revenue Commissioner

T S.P 2

Submitted for perusal
The examfile has been put up for 2157 received from the R & S G Branch The reminder pekn (D.no 2279) received from Mr Shama Rao today is also placed below

BG. JVR
1/11/41
3

3/11

18th Reminder

65

To

Rec'd
CHIEF SECRETARY
1 - NOV 1941
GOVT OF MYSORE

R 2979

The Chief Secretary
to the Government of Mysore
Bangalore

Most Respected Sir,

I request the favour of your kind reference to my original petition dated 8th July 1940 and my last reminder dated 21st instant praying for early orders and endorsement re my claim for depreciation value to my wet lands below Somiahs' Tank at Shimoga which was breached by Government in April 1938

I beg to remain
Most Respected Sir,
Your Most Obedient Servant
C Shivalao

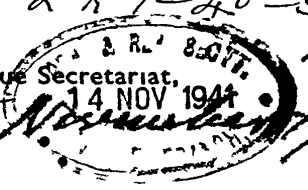
Eastern Portion of Somiahs Bungalow
Shimoga Dt 31st October 1941

69 R 2489

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

L R 7-40-87

No L.3110/41 C91-40-26 General and Revenue Secretariat,



Dated Bangalore, 8th November 1941.

WSAW 15/11

NOTIFICATION

Whereas by notification No.L 7345/M1.91-40-16 dated 16-4-41 (published in the Mysore Gazette dated 24-4-1941, page 481) it was duly announced under section 7 (1) of the Mysore Town Municipalities Act, 1933, that it was proposed to extend the limits of the Shimoga Town Municipality and whereas the objection petitions received in this behalf are found to be untenable, the Government of His Highness the Maharaja of Mysore are pleased in exercise of the powers conferred on them under sections 4 (1) and 7 (3) of the said Act, to extend the limits of the said Municipality and to declare that the boundaries thereof shall be as follows with effect from ~~1st November 1941~~ 1st Dec 1941.

BOUNDARIES.

1. The boundary line of the town of Shimoga commences at the boundary stone near Bolabungalow in the Bangalore-Honnawar Road and runs in an easterly direction surrounding Survey No.93 of Kalhalli Village, the compound of the bungalow of the Manganese company which has since been taken over by the Government as well as Survey Nos.98 92, 90, 88, 87, 80 and 79 of Kalhalli village and including the Majare village of Hosamane, crosses the road from Durgigudi to Jail and then passes on eastwards surrounding Survey No.78 of Kalhalli village and Survey Nos.15, 14 and 12 of

Mulkere village and then meets the boundary stone in the Chimoga-Gowlanga Road.

2. From thence the line proceeds eastwards bordering Survey Nos.10, 8, 5, 2, and 80 of Mulkere village and including the village site x crosses the Mulkere tank and proceeds eastwards along the boundary line of Survey Nos.71 and 59 and including that number (i.e. 59) as well as Survey Nos.60 and 53 of the Mulkere village, joins the boundary stone on the Chimoga-Haribar road.

3. Thence it takes a turn towards the South keeping along the Western side of the Navalehalla and includes Survey Numbers 63 and 64 of Mulkere village and thence moves along the northern boundary of Survey No.20 of Kasaba village and includes Survey Nos.27, 28 and passes along the eastern boundaries of Survey Nos.33, 34 and 35 along the halla adjoining Tyavara Chattanahalli village upto the left bank of T river where it crosses the river and proceeds along the bank of Tunga river and surrounds the Chandal Koti buildi and Survey Nos. 19, 20 and 21 of Islapur village and me the boundary stone near Purely Gudda in Chimoga-Holenar road.

4. From this point, the line proceeds in a Sout direction surrounding the Survey Nos. 6, 7 and 4 of Is village and touching the bund of the tank Survey No.63 keeping along the Northern bund of the tank Survey No

the southern boundary line of Survey No.80 meets the boundary stone on the Bangalore-Honnawar Road.

5. From thence the line runs in a northern direction surrounding old Survey No.77 of Islapur village which is now occupied by the Adikarnatakas and known as Karalahatti and includes the village site of Chikkadur Kalagrama of Urgadur inam village as well as Mahishi Manjappa's Chattram and runs along the foot-path by which the Islapur people approach the river as far as the river and then turns eastward and keeps along the river bank till it reaches the octroi katte near the Bridge.

6. The line then keeps along the western parapet wall of the Tunga bridge till it crosses the bridge and then turn to the west and runs as far as the western end of the Mandl village, keeping along the left bank of the Tunga river unt it crosses the Tirthahalli road.

7. From thence the line proceeds in a northern direc including the village site of the Mandli village and surr ing Survey Nos.271 and 257 and including the village site Palya and Survey Nos.250 and 248 meets the boundary of Mi ghatta village and surrounds Survey Nos.61 and 60 of Mil ghatta village keeps along the eastern boundary line of Nos.66, 67, 68, 75, 76, 77, 78, 79, 80, 82, 83, 89 up t and includes the survey Nos.69, 91 and 92 of the said and the village site of Millighatta.

8. From thence the line runs along the eastern boundary of Survey Nos. 1, 2, 3, and 4 and thence turns towards the west keeping along the border line of Survey Nos. 110, 9 and 11 and meets the compound of Bola bungalow and surrounding this compound it reaches the boundary stone near Bola bungalow in the Bangalore,-Honnawar Road.

9. From the above description, it can be seen that the Town of Shimoga includes within its limits the villages of Shimoga, Millaghatta, Kallahalli, Hosamane, Mulkere, Islapur, Chikkadur, Talya and Mandli.

10. The total area of the Municipality will be 2,114 acres and 14 guntas.

By Order,

Sd H V.Narayana Rao
Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part III - I of the Gazette and supply of 25 copies to the Secretariat and the Deputy Commissioner, Shimoga District.

Memo No L 3711 Dated 4 November 1941

Copy of the above is forwarded, with compliments, to the Deputy Commissioner, Shimoga District, with reference to the correspondence ending with letter No M3-C.2392/40-41 dated 1-9-1941. The attention of the -

KM/10

P.T.O.

13

Shimoga Town Municipal Council may be drawn to the provisions of Section 142 of the Town Municipal Act, 1933, as to the conditions to be fulfilled if the wet cultivation on the S.Nos in question is to be absolutely prohibited

By Order,

for Secretary to Government,
Law Department

Copy to the Revenue Department for reference in file No 2R 7-40 (Mis R 21/39)

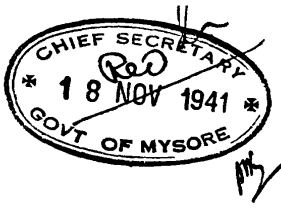
14 NOV. 1941

13.11.41

19th Reminder

7.(

R 2535-



To,

The Chief Secretary
to the Government of Mysore
Bangalore

Most Respected Sir,

I request the favor of your kind reference to my original petition dated 8th July 1940 and the last reminder dated 31st October 1941 praying for orders for payment of depreciation Value for my lands below Somaiah's Tank at Shimoga Since it is pending from a long time early orders Solicited

In Portion of Somaiah's Bungalow
upto 17th November 1941

I beg to remain
Most Respected Sir,
Your most obedient Servant
[illegible]

75

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No 23373 / LR 1-41

Dated Bangalore, 21 November 1941

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

The Deputy Commissioner,
Shimoga District.

Sir,

Subject:- Petition of Mr.C.Shama Rao for enhanced compensation in respect of lands under Somiah's tank.

Adverting to Notification No.L.3710/M1.91-40-20 dated 8th November 1941 extending the limits of the Shimoga Town Municipality, I am directed to invite reference to your letter No.A5.Acqn.4C/38 dated 17th April 1941 addressed to the Revenue Commissioner on the above subject and to enquire what action has been taken to grant compensatio to the party. The party has been repeatedly petitioning Government.

I have the honour to be,
Sir,
Your most obedient servant,

dft

For Chief Secretary to Government.

mk.2

7-6

Appendix F G—1]

SUBJECT Petition of Prayer of Mr C Shama Rao for enhanced compensation in respect of lands under Somasha tank.

Section LR

File No 7-40

Serial No

Diary No of letter replied to

No R3373

To

The Dep Com, Shimoga Dist

General and Revenue Secretariat

( )

the *19*

Sir Adverting to Hon'ble No 3710/Rel 91-40-20 of 8-11 41 I am directed to refer the limits of the Shimoga town municipality

Date of issue 24-11-41 A

Signed by M S R

Ref to your letter no A 5 Agri 46/38 & 17 April 1941 addressed to the Rev Comr on the above subject and to enquire what action has been taken to grant compensation to the party. The papers in the case have been received with your letter

for chief Secy to Govt

List of enclosures

Copied by 24/11/41

Examined by

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE 77

General and Revenue Secretariat.

No R3607 / LR 7-40

Dated Bangalore, 2nd December 1941.

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

The Deputy Commissioner,
Shimoga District.

S i r ,

I am directed to invite reference to this office letter No. R.3373/L.R.7-40-~~41~~ dated 21st November 1941 regarding grant of compensation in respect of lands under Somaraya's tank and to enquire what action has been taken and when the matter is likely to be concluded. I am to add that the tank having been breached in 1938, very early action is necessary as the parties concerned represent that they have been deprived of irrigation rights and have suffered without any compensation etc.

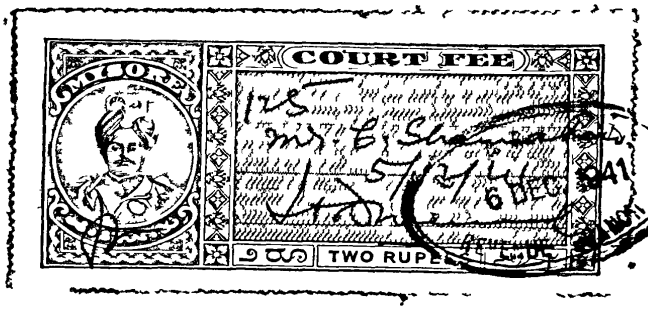
A very early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

For Chief Secretary to Government.

BC

MK.2



78

2871

To

Rajamantrapravina
K V. Anantaraman, Esquire, B A.,
Minister for Finance and Revenue,
Bangalore

Memorialist: C Shama Rao, Khatedar of wet lands below Somiah's tank at Shimoga, residing in the Eastern Portion of Somiah's Bungalow, Shimoga

3290

Most Respected Sir,

The memorialist above named begs humbly to place the following representation before you for kind consideration and orders In doing so, he begs leave to say that he is obliged to approach your benign person as his repeated representations to the local officers for the last three years and more have not brought him the relief that he has been asking for, and, being past the normal span of three score years and ten, he is greatly afraid that he may not live long enough to reap the benefits of any relief that may ultimately be given to him unless he appeals to your great clemency and rare sense of justice

The facts of the memorialist's case are as follows -

1 He is the owner of S Nos 22 and 45 of Shimoga village Both lands are wet under the Somayya's Tank and adjoin the memorialist's house A considerable portion of S No 22 is on the lowest level in the vicinity and both Survey Numbers are close to the bund of the tank S No 45 is an enfranchised Brahmadaya Inam These lands were in fact at one time supporting a large family

2 In April 1938, there was a proposal to breach the tank in the interest of the health of the town and to convert the wet lands below it into dry I had then grown green gram on one of the lands and had made heavy advances to raiyats with a view to plant sugar cane in both As soon as I heard of the proposal to breach the tank I petitioned the Amildar and subsequently the Deputy Commissioner inviting their attention to the losses that I would sustain by such breaching and requesting them to make arrangements to compensate me ~~for the loss of the standing crop, the advances I had made~~ for the depreciation in intrinsic value that the lands would suffer

79

by their conversion from wet into dry

3. No endorsement was issued to the petitioner in reply to these petitions, but the breeching was proceeded with in the later part of April 1938, and a drainage channel was dug right through my S.No 22 to lead the water of the tank away The standing crops were badly damaged, and the land was rendered unsightly by the works connected with the excavation of the channel Though this amounted to trespass and encroachment on my lands, I refrained from taking any steps against the persons responsible because I was and continue to be confident that relief will be afforded to me in a constitutional manner

4 Meanwhile, after repeated reminders, I came to understand that proposals were submitted to the Government by the Deputy Commissioner for the acquisition of the title of the landowners to water, but that the Government did not accept the proposals as there was no provision under the law for the acquisition of such right and that they directed that the lands be acquired outright and resold under the Darkhast Rules as dry lands, subject to such of the khatedars as were willing to retain them being permitted to do so and compensated for loss of irrigation facility I have continued to remind the local authorities, the Revenue Commissioner as well as the Chief Secretary for a final endorsement, but I understand that the records are with the Deputy Commissioner or with the Municipality

Rules

5 While my petitions are pending answer, I understand that about June 1940, a proposal was moved to include the lands in question within the limits of the Shimoga Municipality and to leave the Municipality to take action under Section 142 of the Town Municipalities' Act I strongly protested against such action being taken when my claims which arose when the lands were in the control of the Revenue Department were still pending, and petitioned in the matter both to the Deputy Commissioner and to the Chief Secretary In spite of my prayers the records were passed on to the Municipality and the proposal was approved by the Municipal Council in November 1940, and I understand that they are being submitted to the Government

The action that is thus proposed to be taken is highly prejudicial to the interests of myself as well as the other khatedars Our claims arose when our lands were in the control of the Revenue Department, and until they are settled, it is unfair to pass the lands on to the Municipality and leave it to us to settle our claims with the Municipal Council, which is governed by quite

a different set of rules At the time of the breaching of the tank and, in fact, even to this moment, the lands are and continue to be in the control of the Revenue Department to whom I, in common with other raiyats, look up as gaurdians and protectors I am very reluctant to impute motives or to accuse of negligance the Revenue authorities who have done and are doing so much to safegaurd our interests, but I cannot help feeling that they have for some reason handled this case dilatorily, and have attempted to shift their responsibility on to the shoulders of the Municipality, which will seriously affect our interests, and in particular, mine

6 So far as I can see it, my case is simple: My wet lands have been rendered dry by an act of the Government I ask the Government kindly to reimburse me to the extent of the loss of value the lands have suffered by such conversion I have also unimpeachable data for assessing the value of such loss In an Acquisition Case before the breaching was done, the Land Acquisition Officer has awarded to me a rate of Rs 200/- per acre for a portion of the same land In another case after the breaching, the Land Acquisition Officer has awarded a rate of Rs 40/- per acre for the same land assessing its value in the condition in which it was then, namely, dry, though it had not formally been converted dry in the Revenue Accounts Admittedly, the difference in value between wet and dry lands is Rs 160/- per acre In my case, however, it is slightly higher because one of the Survey Numbers is an Inam and a good portion of the other is the best land in the locality I beg that you will be graciously pleased to order that this difference may be made good to me before any action is taken to transfer the lands to the Municipality In the alternative, if there is likely to be any delay or difficulty in disposing of the case on these lines, I beg that the lands may be acquired outright and compensation awarded to me at the same rate as was done before the breaching was effected, namely, Rs 200/- per acre, though I must say that even this would be a low rate

I beg to state in conclusion that the lands in question were helping me to eke my living I live in an old house which has hoary associations and which, as I have already stated, adjoins the lands aforesaid Owing to the loss of income from the lands during the last three years, I have had to mortgage the house, much against my wishes, to the Shimoga Co-operative Bank, and have been hoping to clear the loan and save the house when the compensation

81

amount which I have been asking for for the last three and a half years is received While the breaching of the tank has taken away the food out of my mouth, the delay in giving me any relief is threatening to deprive me of my dwelling, and I fear that unless ~~the~~ relief is afforded to me without further delay, I will be turned out of my ancestral home in a helpless old age.

I beg of you, Most Respected Sir, to have mercy on an old man near the end of his tether, and to order the speedy grant of either kind of relief mentioned above, and so save a loyal citizen and a helpless old man from the anxieties attendant on needless procrastination

Praying for mercy and justice,

I beg to be,

Most Respected Sir,

Your most humble servant,

L. Shama Rao

Bangalore,

5th December 1941

R 3450
82

Office of the Revenue Commissioner in Mysore

Dated, Bangalore 6th January 1942

No C 541/40-41

From

Rukn-ul-mulk
S Abdul Wajid Esq B A,
Revenue Commissioner in Mysore

CEL & REV
- 8 JAN 1942

To

CHIEF SECRETARY
9 JAN 1942
GOVT OF MYSORE

Rajasevaprasakta
B T.Kesavaiengar Esq B A,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore

--

Petition of Mr C Shama Rao of Shimoga, praying for the grant of enhanced compensation in respect of his lands under Somiah's tank

Sir,

In continuation of this office letter of even number dated 30th July 1941, on the above subject, I have the honour to forward herewith for the information of Government, a copy of Shimoga Deputy Commissioner's letter No M3 C 2392/40-41 dated 19th November 1941, and to state that in the circumstances reported therein, the Deputy Commissioner has been requested to see that the claim is settled very early by the Municipality and the same intimated to this Office A further communication will be made to you on hearing again from the Deputy Commissioner

I have the honour to be,
Sir,
Your most obedient servant,

Abdul Wajid

Revenue Commissioner

G R

Letter No ~~C.S.~~ M3-C 2392/40-41 dated 19-11-1941, from the Deputy Commissioner, Shimoga District, to the Revenue Commissioner in Mysore

---

Petition of Mr C Shama Rao praying for the grant of enhanced compensation in respect of his lands under Somiah's tank

---

Adverting to your letter No C 541/40-441 dated 25-10-1941, calling for a report on the above subject, I have the honour to state that with a view to improve the sanitary condition of the Shimoga Town, Somiah's tank, which was quite close to the Town, was breached in the year 1937-38 As a further preventive measure against Malaria wet cultivation in S Nos 21 to 38 and 41 to 45 of Shimoga village, now in the atchkat of the above tank, ~~had~~ had to be prevented But no action could be taken to prohobit wet cultivation in the aforesaid survey numbers, under section 142 of the Town Municipalities Act of 1933, since the lands are situated outside the Municipal limits

The Municipal Council, Shimoga, resolved at its special meeting held on 22-11-40 that the Municipal Boundary line may be extended, so as to bring the lands in question within the municipal limits and action taken to prohibit wet cultivation thereon

In accordance ~~with~~ therewith, action was taken and objection petitions were called for by Government in Notification No L 7345 M 91-40-1b dated 16-4-1941 (copy enclosed) and the objection petitions received in response thereto from Messrs C Shama Rao and others were forwarded to Government for consideration on 1-9-1941

As Government have in their order No L 3710 dated 6-11-1941 ~~passed~~ orders extending the Municipal Limits the question of payment of compensation to the Petitioner will be considered by the Municipality under section 142 of the Town Municipalities Act of 1933

Copy

For Revenue Commissioner 6/11/42

84

Appendix F G—1]

SUBJECT

Section L R
File No 7—40
Serial No R

Diary No of letter replied to

No R 4477

General and Revenue Secretariat

To The DC

( )

the *19*

Dear Sir

I am directed to refer to the application No 3007/42 of Mr S K V [illegible] for the grant of a certificate of [illegible] for lands under [illegible] and to request you to [illegible] in which the applicant claims to be entitled to [illegible] and to forward a [illegible] of the [illegible]

Date of issue 15/1/42

Signed by Mr S K V

List of enclosures

Copied by 12/1/42

Examined by

25

82498

To

Rajamantrapravina K V. Anantaraman, Esq., B.A.,
Minister for Revenue and Finance with
the Government of Mysore, BANGALORE

4843/16 242

Most Respected Sir,

Subject: Claim for depreciation value for S.Nos 22 and 45 of Shimoga village, owing to their conversion from wet into dry by the breaching of Somiah's Tank

I beg respectfully to state that I presented a memorial on the 5th December 1941 seeking orders for payment of depreciation value to me in respect of the lands mentioned above, which question has been pending since April 1938 As I have set out in full detail in the memorial, the breaching of the tank without sufficient previous notice resulted in damage to the standing crops on my lands and in loss of the heavy advances, which I had made to raiyats from money borrowed from the Shimoga Co-operative Bank for the purpose, for raising sugarcane crop On these grounds I have approached the highest authority with the request that my case may be treated separately and immediate relief afforded to me in order to save me from losing my ancestral house which I have mortgaged to the Bank in addition to the loss of food which I have already sustained by the conversion of the lands into dry I have evidence in my possession which amply supports the contentions I have put forward, and am prepared to lay them before you if I am afforded an opportunity for personal representation I venture to make this request as I had the privilege of coming to your gracious notice when your honour was on a tour of the Shimoga District with the Dewan, Sir Albion Banerji as his Private Secretary about the year 1923, and when, as Head Clerk of the Shimoga District Board Office, I was called upon to explain to the Dewan certain details relating to the finances of the District Board, at an Officers Meeting held at Agumbe

As the balance of loan due to the Co-operative Bank is due for repayment on the 15th March 1942, I beg of your honour graciously to be pleased to order the relief I have sought to be given to me before the 1st March, or if that is not practicable, to be pleased to order that the period of the loan may be extended until the claim is settled I am encouraged to make this request because my claims for

depreciation value have been delayed by the Revenue authorities much beyond my anticipations, and in view of the facts that I have been absolutely regular in the payment of interest and that the security that has been offered is worth several times the amount of the loan I am further encouraged to do so as I have actually secured one or two such extensions of period before no

As I am counting my days in the world and am in constan danger of being ousted from my ancestral premises, I request tha I may be favoured with an endorsement advising me of the orders passed

Begging to be pardoned for encroaching on your precious time, and earnestly praying for all God's blessings on you,

I beg to be,

Most Respected Sir,

Your most humble servant,

C Shama Rao

(C Shama Rao)

Somayya's Bungalow,
Eastern Portion,
Shimoga
13th ~~March~~ Feb 1942

67

Appendix F G—1]

SUBJECT

Section L R
File No 7—40
Serial No

Diary No of letter replied to

No R 5-188

To M Naraneetham Nadar Esq BA, BL,
Dy Comr, Shemuga St

General and Revenue Secretariat

( )

the *19*

Dear Sir,

I am directed to invite reference to the appn letter No R 3607/S 7/12 41 re the grant of Compensation for lands under Soniahs tank & to request that as the question is long pending & the parties have been constantly petitioning, a report on the stage in which the question stands may be furnished ~~Lieutt Any further delay~~ immediately

Date of issue 18/2/42

Signed by Mr S K V

Yours truly
[illegible]
for Dy Secy to Govt

List of enclosures

Copied by

Examined by

WD 086—GPB—40 000—30 7 40

R 44474

To

Rajamantrapravina K.V. Anantharaman Esq., B. A.,
Minister for Revenue and Finance with the
Government of Mysore,
BANGALORE

Most Respected Sir,

Subject Claim for depreciation value for Survey Numbers 22 and 45 of Shimoga village, owing to their conversion from wet to dry by the breaching of Somiah's Tank.

I, most respectfully, beg kind reference to my Memorial dated 5th December 1941 and subsequent representation dated 13th ~~March~~ 4 February 1942 seeking orders for payment of depreciation value or grant of some immediate relief as this is pending since April 1938.

In my second representation I have clearly submitted to Your Honour the facts which forces me to encroach upon your precious time and as a last chance I depend upon Your Honour's mercy and eagerly awaiting for immediate help I pray that I may be kindly favoured with an endorsement advising me of the orders

Somaiah's Bunglow
Eastern portion
SHIMOGA,
Dated 2nd March '42.

I beg to be,
Most Respected Sir,
Your Most Humble Servant
C Shama Rao

(C Shama Rao)

27

R 4531

GOVERNMENT OF MYSORE

DC MS-41-1

OFFICE OF LR 7-10-39

The Deputy Commissioner,

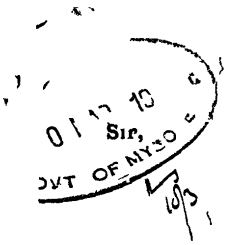
Shimoga District,

Shimoga,

2392/40-41

Date 9th March 1942

The Chief Secretary
to the Government of His Highness the
Maharaja of Mysore,
Bangalore



Sir,

Subject - Somiah's Tank - breaching of - compensation to Atchkatdars by Shimoga Town Municipality

*****

With reference to your letter No R 3607 dated 7th December 1941 and a subsequent reminder on the subject, I have the honour to state, that the Town Municipal Council, Shimoga, who were being frequently reminded to take action in the matter under section 142 of the Town Municipal Act, ever since November 1935, have now passed a resolution on 30-1-1942 confirming the Managing Committee's resolution to the effect that Section 142 of the Town Municipal Regulation does not apply to this case and that the connected records may be returned to the Deputy Commissioner I enclose herein a copy of the Municipal Council's resolution and also of the Municipal President's covering letter in this respect There is no reason indicated either in the resolution or in the letter

1942

2 The Municipal Council have, in this office No A 5 Acqn 46/38-39 dated 13-6-1940, been definitely told that action should be taken to compensate the atchkatdars under section 142 of the Town Municipal Regulation It is seen from the connected file in this office, that more than twenty references have been made to the Municipality directing them to take necessary action in the matter On 23-11-1940, they passed a resolution stating that action to compensate the atchkatdars may be taken after getting these lands included in the Municipal limits The lands were included in Municipal limits as per Government Order No L 3710/ML 91-40-20 dated 8th November 1941 Now, when asked to take action to compensate the achkatdars

they say that section 142 does not apply It is not known how

3 It may be stated in this connection, that as far back as 1938-39, the Municipal Council have made a provision of Rs 9000/- in their Budget, for compensation for acquiring lands under this Somiah's Tank As such, they cannot disclaim or deny their responsibility in the matter The achkatdars have been repeatedly urging the settlement of their claims and from the manner in which the Municipal Council is dealing with the matter, it does not look as if they would settle the matter unless they are forced to do so

4 In these circumstances, I think, it has to be said that this Municipal Council has made default in performing a duty imposed on it, under the Law in this behalf - Section 142 of the Town Municipal Act I would therefore suggest that the Government may take action under section 200 of the said Act and direct the Municipal Council to perform this duty under section 142 and settle the claims of the achkatdars, within two months failing which, the Revenue Sub Division Officer, Shimoga Sub Division, may be appointed to perform it, at the cost of the Municipal Council, (under sub-section (2) and (3) of Section 200)

I have the honour to be,
Sir,
Your most obedient servant,

Navaneeth

Deputy Commissioner,
Shimoga District

GV 2/

Letter No C 1-80 dated 31-1-1942 from the President, Town Municipal Council, Shimoga to the Deputy Commissioner, Shimoga District.

Subject - Compensation in respect of lands under Somiah's Tank

With reference to correspondence ending with your letter No M 3 C 2392/40-41 dated 15-12-1941 forwarding a copy of letter of even number addressed to the Chief Secretary to Government on the above subject, and requesting me to take immediate necessary steps for granting compensations to land owners below the said tank for having acquired their lands, I have the honour to state that the matter was referred by the Council to the Managing Committee which, after a thorough examination of the entire records has passed a resolution that section 142 of the Town Municipal ~~Acts~~ Act referred to in Deputy Commissioner's letter number A 5 Acqn 46/38-39 dated 13-6-1940 does not apply and that the entire records be returned The Council in their Meeting held on 30-1-1942 have approved the above resolution, a copy of which, is herewith submitted for your kind perusal

The entire records sent with your letter No A 5 Acqn 46/38-39 dated 13th June 1940 are herewith retransmitted for kind orders

---

'Copy'

Deputy Commissioner,
Shimoga District

G V /

[redacted] Ordinary General Meeting
Municipal Council Shimoga held on 30.1.42.

ಬಿ. ನಿರ್ಮಾಣ್ಯನವರಿಗೆ ಚಿಕ್ಕಚೆಮ್ಮಾಡಿದ್ದರಿಂದ ತೆರೆದಾಗುವಲ್ಲಿಗೆನ್ನಾ ಲಾಂಬು. ಮಾ
ಂದ ಚಿಮಿನುಗಲ್ಲವಾತಿ ಕರುಗಲ್ಲಾನವು ಲಕ್ಷ್ಮಿಪಕಂಪ್ಯವುಕಿಂಗಿ ನಿಮಾಣ್ಣಾಣ್
ಕಯುವರು ಕವಲಿಕೆ ಕಾಂಪೆಕ್ಟ್ ನಿರ್ಮಾಣ ಪಿಡಗಿಕ್ಕೆಂದು ಬಗೆಗಾಲಿಪಡಿಸಿರುವ
ತೀರ್ಮಾನಿಸಿದೆ

ಮಾನ:- ಮುನಿಸಿಪಲ್ ಆಕ್ಟ್ ಸೆಕ್ಷನ್ 142 ಈ ಅನ್ವಯಿಸುವುದಿಲ್ಲವಾದ್ದರಿಂದ
ಈ ಕಾಮಗಾರಿನ್ನು ಡಿ.ಸಿ. ಸಾಹೇಬರವರಿಗೆ ವಾಪ್ಸುಕಳುಹಿಸುವುದಾಗಿ
ಮಾನವಾಯಿತು:-

Resolution - Managing committees resolution is approved.

(Sd) S A Gani
30.1.42. President

"Copy"
for President
Town Municipal Council
Shimoga.
31/1/42

"Copy"
Deputy Commissioner
Shimoga District
9362

Appendix F G—1]

SUBJECT Breaching of Somwarsah's tank and payment of Compensation to Atchikatlaru by the Shimoga Town Muplty

Section Rel
File No 165-41
Serial No 2

Diary No of letter replied to

Subject—

No L 9671

To

General and Revenue Secretariat

( )

the 19

The Dy Comr, Shimoga

Sir,

Date of issue 11-4-42

With refce to your letter no M3 C 2392/40-41 dd 9 on the above subject, I am directed to state that as Mr. D the Somwarsah's tank was bre as an anti-malarial measure & definitely with a view to improve the health of the Shi inhabitants Town Muplty

1st of enclosures

Signed by M. G. Rao

2/ As a further preventive measure against Malaria a the place, wet cultivation at place on certain lands at

mined by

WD 03695—GPB—30 000—29 1 40

place had to be prevented. Action was accordingly taken to extend the limits of the said Municipality so as to include the wet-lands within its limits. As a result of inclusion of those lands, the M.C. are now able to prohibit the wet-cultivation at places which are held as sources of Malaria.

3) The M.C. had themselves resolved to include the lands referred to above within the M.C. limits and in notifying the extension of the limits of the said Municipality, it was also indicated (vide memo forwarding a copy of the final notification) that the M.C. should adhere to the provisions of Sec 142 of the Mysore Town Municipalities Act, 1933 which requires that compensation should be paid out of the mun. funds, to all persons interested, for any damage caused to them by the prohibition of wet-cultivation. As action to prohibit wet-cultivation on the lands in question has been taken solely in the interests of the health of the Municipal area, Govt. consider that it is just and proper that the Council pay the compensation due out of the mun. funds and in fact the mun. C. had made a provision of Rs 9000 out of funds for the mun. C

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form)

~~But it is regrettable that~~
~~the Addl. Collr. in their memorandum~~
payment of Rs. for back as 1938-39
~~for~~ Compensation for acquiring lands
under This land ~~As Such~~, they cannot disclaim
or deny their responsibility
in the matter.

4) Govt however observe ~~But it is regrettable~~
that the Shimoga Town Mal Committee
have made a default in
performing the duty of paying
~~off~~ the compensation to
the ~~atchkat~~ dars of lands in
the Sumadi's land, as required
by Section 142 of the Mysore
Act, 1933 and have resolved
in their meeting held on 30-1-47
that Section 142 of the Land
Act does not apply to the
case in question. The
contention of the Mal Committee is not tenable and the
action of the ~~Council~~ in this
behalf ~~Case~~ is dilatory and has caused
much hardship to the parties concerned as
the matter is pending for a long time
~~for the end of the accounts~~

5 In the light of the facts ~~Stances~~ stated above I
am to request you to ~~are requested to~~ ~~inform~~
the rest of that of the claim

WD 0282—GPB— 22 500—14 3 38

of the alienees under Sanads
claim for compensation are
not settled by the Shimoga Town
Municipal Council within a period of
three months from
the date of the communication of this order
to them, action will be taken
under Sec 240 of the said Act -
and arrangements will be
made to have the Compensation disbursed
to the parties as provided out -
of the said funds, as provided for
in the said Section

6 The report of action
taken by the said Council on this
behalf may kindly be
communicated to Govt
very early for further action
in the matter

I have &c -

Hm
1/4/42 ✓

for Secy to Govt -
Law Dept -

Memo L 9672

Copy w/c to the R C

Copy to Rev Branch

B. O
from Secy Mysore Law Dept ✓

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No L 9671 Jud. 165-41-2 *Dated Bangalore,* 11th APRIL 1942.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department

To

The Deputy Commissioner, Shimoga District

Sir,

Subject Breaching of Somiah's Tank and payment of compensation to Atchkatdars by the Shimoga Town Municipality

---

With reference to your letter No M 3 C 2392/40-41 dated 9-3-1942, on the above subject, I am directed to state ~~that~~ as follows --

(1) the Somiah's tank was breached as an antimalarial measure definitely with a view to improve the health of the inhabitants in the Shimoga Town Municipality

(2) As a further preventive measure against Malaria at the place, wet cultivation on certain lands at the place had to be prevented Action was accordingly taken to extend the limits of the said Municipality so as to include the wet lands within its limits As a result of inclusion of those lands, the Municipal Council are now able to prohibit the wet cultivation at places which are held as sources of malaria

(3) The Municipal Council had themselves resolved to include the lands referred to above within the Municipal limits and in notifying the extension of the limits of the said Municipality, it was also indicated (vide Memo forwarding a copy of the final notification that the Municipal Council should adhere to the provisions of Sec 142 of the Mysore Town Municipalities Act 1933 which requires that compensation should be paid out of the municipal funds, to all persons interested, for any damage caused to them by the prohibition of wet cultivation As action to prohibit wet cultivation on the lands

in question has been taken solely in the interest of the health of the Municipal area, Government consider that it is but fair for the Municipal Council to pay the compensation due out of the municipal funds and in fact, the Municipal Council had made a provision of Rs 9,000/- in their budget, so far back as 1938-39 for payment of compensation for acquiring lands under this tank They cannot disclaim or deny their responsibility in the matter

(4) Government however observe that the Shimoga Town Municipal Council have made a default in performing the duty of paying the compensation to the atchkatdars of lands under the Somiah's tank, as required by Section 142 of the Mysore Town Municipalities Act, 1933 and have resolved in their meeting held on 30-1-1942 that Section 142 of the said Act does not apply to the case in question The contention of the Municipal Council is not tenable and its action in this behalf is dilatory and has caused much hardship to the parties concerned as the matter is pending for a long time.

(5) In the light of the facts stated above, I am to request you to intimate the Municipal Council that if the claims of the atchkadars under Somiah's tank, for compensation are not settled by the Shimoga Town ~~Municipal~~ Municipal Council, within a month from the date of communication of this order to them, action will be taken under Sec.200 of the said Act and arrangements will be made to have the compensation disbursed to the -- parties out of the municipal funds, as provided for in the said section

(6) The report of action taken by the Municipal Council in this behalf may kindly be communicated to Government very early for further action in the matter

I have the honour to be,
Sir,
Your most obedient Servant,

Sd/- H V Narayana Rao,
Secretary to Government,
Law Department

PL/3

MEMO NO L-967 DATED 11th APRIL 1942

Copy of the above is forwarded, with compliments, to the Revenue Commissioner in Mysore, Bangalore

By Order,

Secretary to Government,
Law Department

GOVERNMENT OF MYSORE

OFFICE OF
THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT,
Shimoga,
Dated the July 4th 1942

M5 C 3090/41-42.
mls Three

To
The Secretary to Government
of Mysore,
Law Department, BANGALORE

Sir,

Subject Somiah's Tank - Breaching of - Compensation to ayakatdars

With reference to your letter No 9671 Ml 165-41-2 dated 11th April 1942 and subsequent reminders, on the above subject, I have the honour to state as follows

A copy of your letter under reply, was sent to the President, Town Municipal Council, Shimoga, on 14th April 1942 with special instructions to take immediate action for the settlement of claims for compensation within a month of the date of the receipt of the communication, as stated therein

The Municipal Council, after discussing the matter, at their Meeting held on 16-5-1942, have replied that they have not made any default in the performance of their duty, and that Government may be pleased to direct "that the Municipality shall not be liable to pay any compensation" A copy of the Municipal President's letter No C 180 of 41-42 dated 16th May 1942, together with a copy of the resolution of the Municipal Council is enclosed for kind reference

In your letter of the 11th April 1942 (under reply), all the circumstances of the case have been corsidered and it has been decided therein by Government, that the Municipal Council cannot disclaim or deny their responsibility in the matter and that the contention of the

the Municipal Council is not tenable and its action in this behalf is dilatory and has caused much hardship to the parties concerned as the matter is pending for a - long time Yet, the Municipal Council have again put forward the same contention denying their liability to pay any compensation in the matter There seem to be no fresh grounds calling for a reconsideration

The question as regards the amount of compensation that will have to be paid to the atchkatdars, has already been gone into and a detailed report made by this Office to the Revenue Commissioner in this Office letter No A1 C 1145 of 36-37 dated 3rd February 1938, a copy - of which is herein enclosed for kind perusal and reference It is seen that this tank has an atchkat of 115 acres 11 guntas, after deducting the extent of lands already acquired for Railway, Tramway etc , passing through this area Of this, an extent of 24 acres 12 guntas only is ascertained to have been under wet cultivation at the time of and prior to the breaching of the tank (during 1937-38) The remaining extent of 90 acres 39 guntas is stated to be lying fallow for several years This extent includes an area of 44 acres 6 guntas of Devadaya Inam Land which belongs to the Sree Pillanagere Venkataramanadevaru Temple - and which was leased out for several years for Hulbanni for Rs 110/- per year It is seen that on the basis of the investigation and valuation made by the Assistant Commissioner, Shimoga Sub Division, in consultation with the Executive Engineer, Shimoga Division and the President of the Shimoga Municipality, in respect of the lands in this area, the Deputy Commissioner has proposed that the compensation for the loss of irrigation rights in respect of these lands, may be assessed thus

In respect of lands under cultivation viz , 24 acres 12 guntas,— at the difference between the value of these lands

lands as wet and that as dry as noted below -

Value as wet	Rs	200	0	0 per acre
Value as dry		100	0	0 per acre
Difference	"	100	0	0 per acre
For 24 acres 12 guntas it would be,	Rs	2,430	0	0.
In respect of lands lying fallow for a long time i e 90 acres 39 guntas or nearly 91 acres; at Rs 50/- per acre; for 91 acres it would be	Rs	4,550	0	0

It is also seen that the Deputy Commissioner has considered that the compensation proposed is quite adequate The total amount - of compensation would be Rs 6,980/- or in round figures Rs 7,000/-

It may also be noted here that as these lands have been deprived of their source of irrigation and have become unfit for wet cultivation, and as arrears of wet assessment for 1938-39 due on - these lands were unnecessarily outstanding, a recommendation was made by the Deputy Commissioner to the Revenue Commissioner for - sanction to the remission of a sum of Rs 207-7-3, being the difference between the wet assessment of the lands and the maximum dry rate prevailing in the village The remission was sanctioned by the Pevenue Commissioner (Vide Revenue Commissioner's Official Memorandum No C 681 of 39-40 dated 13/17th March 1941) It is also seen that the lands have since been converted into dry and are now classed as dry by the Survey Department (Vide letter No 3046 dated 12-12-1940 from the Superintendent of Land Records, Survey and Settlements, to the Revenue Commissioner in Mysore)

The question now pending is one of settlement and payment of compensation to the owners of these lands for the loss of irrigation rights, and there seems to be no question of acquisition of the lands now converted into dry The claims of the parties for compensation may be settled on the basis of the compensation proposed above A sur of Rs 7,000/- is required for this purpose The Shimoga Town Municipality that has to bear this cost has absolutely no money for the

the purpose and is financially unable to pay or bear the cost. The claims for compensation have to be settled early as the matter is pending for a long time and as the parties are pressing for settlement A special allotment of Rs 7,000/- from Government for this purpose would therefore be necessary and may, I suggest, be kindly sanctioned in the circumstances for the purpose On receipt of sanction of this allotment the Assistant Commissioner, Shimoga Sub Division, will be asked to inquire into and settle the claim for compensation on the above basis in respect of each party

I request the favour of early orders of Government in the matter

I have the honour to be,
S i r,
Your most obedient servant

DEPUTY COMMISSIONER,
SHIMOGA DIST

KTR

No C 1 80/41-42.

Office of the President,
Town Municipal Council,
Shimoga Dated 16th May 1942

From

The President,
Town Municipal Council,
Shimoga

To

The Deputy Commissioner,
Shimoga District,
Shimoga.

Sir,

Subject - Breaching of Somiah's Tank and the question of payment of compensation to Achla+dars

With reference to your Memo No M.3.C 3090/41-42 dated 14-4-42 forwarding a copy of the letter No L 9671/ML 165-41-2 dated 11-4-1942 from the Secretary to the Government of Mysore, Law Department, Bangalore, the matter was placed before the Municipal Council at their Meeting held on 29-4-1942 and 16-5-1942 and I am requested to send the following reply on behalf of the Municipal Council

Under Section 142 of the Mysore Town Municipal Act 1933, it is no doubt true that only in the event of the Municipal Council prohibiting wet cultivation, it has to pay reasonable compensation Your letter under reply assumes that the Municipality has prohibited the cultivation of wet crops on the lands in question The Municipality has at no time taken any action to prohibit wet cultivation So, the question of compensation does not arise

The last portion of para 3 of the letter from the Secretary that Provision of Rs 9000/- had been made in the Budget for 1938-39 for payment of compensation for acquiring lands under this tank, does not arise for the simple reason that compensation for lands acquired has been paid and this question is not pending at all

The Municipal Council have perused all the applications presented to them and to the Government by the Achkatdars.

104

What they claim and what they are urging is "depreciation amount" for the conversion of wet lands into dry on account of the loss of water facility by the breaching of Somiah's tank " None of them has asked for any compensation either under section 142 M.M A. or under the Land Acquisition Act

Under these circumstances, the Municipal Council has made no default in the performance of the duty of paying compensation to the Atchkatdars as observed by the Government, to warrant action under section 200 of the Municipal Act.

It is requested that the Government be pleased to in the light of the foregoing, to direct that the Municipality shall not be liable to pay any compensation

I have the honour to be,
Sir,
Your most obedient servant,

(Sd) S A Gani,
16-5-42.
President.

'Copy'

Deputy Commissioner,
Shimoga District

G V 2/

× 105

PROCEEDINGS OF THE TOWN MUNICIPAL COUNCIL IN THEIR ADJURNED SPECIAL MEETING HELD ON 16-5-42 AT 6 P M

X X X X X

Subject No.2 - Compensation to be paid to Achkatdars in connection with the breaching of the Somiah's Tank

Resolution - The matter was discussed Sec 142 does not apply because the Municipality did not prohibit A reply may be sent as per draft approved

X X X X X

Sd/- S A Gani
President

" Copy "

for President
1st July 42

Law Secy to see this
This will be placed with the
return cases for perusal
14/7/42

Lawrence 14/7/42

Cis
21-7-42

(Sd) S A. Gani,
16-5-42.
President.

'Copy'

Deputy Commissioner,
Shimoga District

G V.2/

OFFICE OF THE MINISTER
FOR FINANCE & REVENUE
13 JULY 1942
No. 374

GEN & REV SECRETARIAT
14 JULY 1942
L S C BRANCH

To

RAJAMANTRAPRAVINA
K V Anantharaman, Esquire, B.A.,
Minister of Finance and Revenue
to the Government of Lysore,
Bangalore

Most Respected Sir,

With reference to my Memorial dated 5th December 1941, I most respectfully beg to submit herewith Memo of Facts regarding my prayer and Typed copies of Land Acquisition Case Nos 1 and 35 of 1938-39 relating to the acquisition of certain portions of S No.22, for kind perusal These clearly show the basis on which I claim a depreciation value of Rs.160/- per acre and interest etc

It is on account of my present difficulties I am forced to approach your Honour again for which I beg to be excused If need be, I am prepared to present certified copies in person

In conclusion I pray that my case be separated and early payment ordered in viewof my memorial

I beg to remain
Most respected Sir,
Your most obedient servant
K V Anantharaman

Eastern portion
of Somiah's Bungalow,
Shimoga,
11th July 1942.

Most Respectfully Submits Memo of facts on which depreciations based

Reference:- Memorial submitted by C. Shama Rao, Eastern Portion of Somiah's Bungalow, Shimoga, to the Revenue and Finance Minister to Government of Mysore on 5-12-1941, praying orders for payment of depreciation value to his wed lands Survey Numbers 22 and 45 below Somiah's Tank, breached by Government in April 1938

The following are the points for consideration in fixing the amount of depreciation value which the Memorialist claims in para 6 of his Memorial

(1) The memorialist prays for orders for the payment of a minimum depreciation value for his lands at the rate of Rs.160/- per acre His prayer is based upon the Award Orders passed by the Land Acquisition Officer ~~in~~ the Shimoga Revenue Sub Division Officer, In L.A. Case No 1 of 38-39 — One acre and ten guntas of land is acquired for excavating channel to lead the water of Somiah's Tank after its breach to the river, on 29-8-1938 A sum of Rs.200/- per acre is awarded, considering the land as wed In L.A. case No.35/38-39 an extent of 21 guntas of land was acquired, out of the same S No.22 on 11-3-1939 and Rs.40/- per acre has been awarded after the breach of the Tank, considering the land as dry Typed copies of both the Awards are herein enclosed for ready reference It is only a difference in value that is claimed

(2) The memorialist prays for orders for the payment of interest from April 1938 on the amount

of

108

~~of amount~~ of depreciation value, since the question was kept pending ~~through~~ though he approached the Amildar on 14-4-1938, and the Deputy Commissioner on 18-4-1938 for payment of the amount The breaching work was commenced in April 1938 and a portion of S. No.22 was entered upon and channel was excavated before any action was taken to obtain Governmert Sanction for the acquisition of the portion required for the channel

(3) The land was inspected by the Land Acquisition Officer only on 4-6-1938 and sanction of Government was ordered in G.O. No.L 10284-7/M1.18-37-26 dated 25-6-1938 These points clearly show that action was taken for acquisition only after repeated agitation by the memorialist
Since S.No.45 is adjoining S No.22, a similar depreciation value is claimed together with compensation for the loss of Jari Amount, since the land is Brahmadaya Enfranchised Inam Land

(4) The lands are quite attached to my dwelling, being next to my compound being separated only by the Shimoga Honnali Road, which adds to their value and the rate prayed for is only a moderate one

Shimoga,
11th July 1942

MEMORIALIST.

IN THE COURT OF THE ASSISTANT COMMISSIONER AND LAND ACQUISITION OFFICER, SHIMOGA SUBDIVISION, SHIMOGA.

PRESENT Syed Abdul Aleem, Esquire, B.A.,
Assistant Commissioner and Land Acquisition Officer,
Shimoga Sub Division, Shimoga.

Land Acquisition Case No. 65 of 1938-39.

Government Vs. Mr. C. Shama Rao, bin Gundappa.

AWARD ORDER.

Government in their order No. L.6081-83/ ML.13-38-60, dated the 30th January 1939, sanctioned the acquisition of 0-29 guntas, wet, out of Survey Nos. 22, of Shimoga village, Shimoga Taluk, forthe purpose of extension of the Shimoga Town, in the village or town and the Assistant Commissioner in charge of the Shimoga Sub Division has been appointed to perform the functions of a Deputy Commissioner under the Mysore Land Acquisition Act.

The notification has been published on page 133, Part III (1) of the Mysore Gazette, dated the 9th February 1939 and the proclamation under the Act has been duly published in the village or town on ...

The notice under Section 9 of the Land Acquisition Act has been served on .... on the party. He has given a statement that he has no objection to the acquisition of the land, but that he wants the whole land belonging to him to be acquired as a road will be formed nearby. This request cannot be accepted as the reason assigned for the acquisition is not convincing.

The land is in banjar from a long time, and has since been treated as dry owing to the breaching of Somiah's tank.

The market value, etc., is the same as is mentioned in Acquisition Case No. 63 of 38-39. This being dry banjar land, the rate adopted is Rs.40/- per acre. On this basis, the following award is made.

1. Value of the land, 21 guntas	....	Rs. 21-0-0
2. Statutory Allowance at 15 %	....	Rs. 3-2-0
		Rs. 24-2-0

The amount may be paid to the owner.

As the Municipality desires the acquisition of only 21 guntas now, a report may be submitted for the withdrawal of acquisitior of the remaining portion.

Sd. Syed Abdul Aleem,
Land Acquisition Officer

11-3-39.

Award Order in L.A.Case Number, 1 of 1938-39.

Shimoga Sub Division.

Government in their order no L 10284-7/rul 14-37-26 dt 25-6-1938 sanctioned the acquisition of 10 Gentas out of S no 22 of Shimoga Village for the purpose of breaching of Somasha Tank. The notification has been published on page 523 Part III(1) of the Mysore Gazette dt 30-6-38

The notice under section 9 has been served on 13-7-38 and he has given his statement on 19-7-38. He has no objection for the acquisition but he wants more compensation on the following grounds -

(1.)The land bein close to the tank is very valuable. (2) As the remaining portion on the southern side will be rendered useless on account of the present acquisition he is entitled to compensation at more than an ordinary rate (3) The channel is not provided with stone revetment and that therefore it is likely to endanger his ~~re-~~ ~~danger~~ remaining lands by the flow of water in the channel later on (4) As there has been grain crop on the land at the time the channel was excavated a suitable compensation might be given to him for the same

I have personally inspected the land on 4-6-38 in company with the Khatdar the President, Municiapal council the Sub Overseer P.W.D. village official's etc.,

It is no doubt a fact that the land is situated just near the Tank bund A portion of this land on the Southern side does not appear to have been under cultivation for some years past. It has been used only as pasture land or as harvesting land

The Mahazardars have valued the land at Rs 100/- to Rs 150/- per acre on 13-1-38 From the references in the sub Registry Office it is seen that the value of the land in this locality ranges between Rs.200/- to Rs.450/- per acre of wet land. As per previous acquisition records pertaining to the same locality it is seen that compens t-

P.T.O.

compensation for wet lands has been awarded at the rate Rs.200/- per acre in the year 1928 (Vide L.A.Case No.1&3/ I do not think that there has been any change in the condition obtaining since the year 1928 which may warrent the enhancement of the valuation of the land now under acquisition. I therefore consider that the rate of Rs.200/- per acre is quite fair and this is adopted for awarding the following compensation to the owner. The above rate is adopted further with a view to afford, sufficient relief to the various claims put forward by the owner

1. Compensation for land 1 acre and 10 guntas.	Rs.250/-
2. Statutory Allowance.	Rs.37½/-
Total	Rs.287-8-0.

The party calims some compensation with regard to the crop (green gram) that was on the land and which has been spoiled on account of the excavation of the channal. It is not possible to assess the value of the crop correctly as the same has already been removed before my personal inspection of the spot. An acre of land it is said will yield about 4 pallas of green gram per acre. Roughly the yield may be taken at 5 pallas for the land acquired. The party would have derived a return of Rs.50/- at the rate of Rs.10/- per Palla. He has removed a portion of the crop and derived benifit therefrom. Hence I think a sum of Rs.25/- will be fair compensation to him for the damage sustained by the crop on the acquired area as well as by the remaining unacquired area.

His contention to acquire the remaining portion of 28½ Guntas also in the said Survey number it is to be stated that it is unnecessary to grant this request as the land left out is big enoggh for cultivation. Ther

There cannot be any danger from the channel water also later on as earthern bunds are put on either side of the channel and this is sure to ensure the safety of the land from corrvsion and e.t.c..

It is further on the condition that the land is quite close to the tank that the compensation is fixed at R.200/- per acre.

On the above basis the total compensation payable to the owner will be R.312-8-0.

This may be paid to Mr. C.Shama Rao the owner.

Sd/- Syed Abdul Aleem,

L.A.C.
29-8-1938.

Copy

KS App F VI G 2]

113

SUBJECT

1) G.O No L 6962-65/ml 48-38-103 dt 13 3 39 sanctioning a revised estimate for Rs 6346/- for the work connected with the breaching of Somvathi tank at Shimoga, the same to be executed by the P W D

Diary No of letter replied to 149/L

12 Copies

Sec Ml
File No 165-41
Serial No 4.

General and revenue Secretariat

( )

the 192

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 12/8/42 P.W.D

Signed by M S Rao

2) Read Correspondence ending with the letter No M3-C 3090/41-42 dt 4 7 42 from the D C Shimoga submitting proposals and requesting sanction to the circumstances reported, to a special allotment of Rs 7000/- to settle the claims of ryots in connection with the acquisition of their lands and also for loss of irrigation rights in connection with the breaching of Somvathi tank at Shimoga. undertaken which was ordered to be undertaken as an anti-malaria measure at the place.

Order No L 1937-41

May this be for Compensation

i Printed ?

ii treated as a standing order ?

iii published in the Gazette English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Order Thereon No

114

The D.C. Shimoga Dt has reported that the total extent under the Tormiahs tank excluding the extent of land already acquired for Railway, tramway etc is 115 acres and 11 guntas out of which an area of 24 acres 12 guntas is under wet cultivation while the remaining extent of 90 acres 39 guntas is dry fallow land. It is proposed to grant Compensation for the loss of irrigation rights in respect of the extent of wet lands at the rate of Rs 100 per acre and at Rs 50/ per acre for the acquisition of dry fallow land. The DC reports that the sum of Rs 7000/ approximately would be required on the above basis in order to settle the claims of the ryots for Compensation and solicits orders of Govt for a special allotment for the

Govt are accordingly pleased to approve of the proposals of the D.C and to advance a sum of Rs 7000/- from for the purpose to be met out of the T.I. Grant for the current year subject to recoupment from the funds of the Shimoga Town Municipal Council, who cannot disown, deny or disclaim their responsibility in the matter.

List of enclosure

The D.C. is requested to take early action to settle the claims for Compensation and submit a detailed report with particular reference to the liability and ability of the Shimoga Town Municipality to meet the charges of the cannot deny or disclaim their responsibility in the matter.

Copied by

Examined by

Compared by

By order etc.,

Secretary to Govt

Law Dept.

To The D.C. Shimoga Dt

The Dy of P.H.

The Revl Comr

The Dy of P.H.

The Comptroller and Secretary

The Chief Engineer, P.W.D.

By Minister for Revenue

Copies to G.M. & Rev Bch

WD 0326—GPB—12 500—26-5 27

115

OR THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

49/L

by Government Order No. L. 6962-65/Ml. 48-38-103 dated the 1st March 1939 sanctioning a revised estimate for Rs. 6344/- for the work connected with the breaching of Somiah's tank at Shimoga the same being executed by the Public Works Department.

2. Correspondence ending with letter No. M3-C 3090/41-42 dated the 4th July 1942 from the Deputy Commissioner, Shimoga District, requesting sanction, in the circumstances reported, to a special allotment of Rs. 7,000/-, to settle the claims for compensation of atchkatdars on account of the acquisition of their lands and also the loss of irrigation rights in connection with the breaching of Somiah's tank at Shimoga ordered to be undertaken an anti-malaria measure at the place.

Order No. L/1937-41/M C 165-W-4
Dated, Bangalore, 12 August 1942.

The Deputy Commissioner, Shimoga District has reported that the total atchkat under the Somiah's tank excluding the extent of lands already acquired for Railway, tramway etc., is 115 acres and 11 guntas out of which an area of 24 acres and 12 guntas (only) was under wet cultivation while the remaining extent of 90 acres and 39 guntas is dry, fallow land. (It is proposed to grant compensation for the loss of irrigation rights in respect of the extent of 24 a 5 12 gd wet lands at the rate of Rs. 100/- per acre and at Rs 50/- per acre for the acquisition of dry fallow land. The Deputy Commissioner states that a sum of Rs. 7000/- approximately would be required on the above basis in order to settle the claims of the atchkatdars for compensation and solicits orders of Government for a special allotment for the purpose.

Government are accordingly pleased to approve of the proposals of the Deputy Commissioner and to advance a sum of Rs. 7000/- for

for the purpose to be met out of the Town Improvement Grant for the current year, subject to recoupment from the ~~[illegible]~~ funds of the Shimoga Town Municipal Council.

The Deputy Commissioner is ~~[illegible]~~ is requested to take early action to settle the claims for compensation and submit a detailed report with particular reference to the ~~liability~~ liability and ability of the Shimoga Town Municipal Council in regard to the discharging of their responsibility in the matter.

For Secretary to Government,
Law Department.

To

The Deputy Commissioner, Shimoga District, with records,
The Revenue Commissioner in Mysore,
The Director of Public Health in Mysore,
The Comptroller to Government through Financial Secretariat,
The Chief Engineer of Mysore, P W D

17 JAN 1942
LSG I

1051/2 '17

To

Rayamantrapravina K V Anantaraman Esquire B A
Minister for Finance and Revenue with the
Government of Mysore,
Bangalore

Most Respected Sir,

Subject:- Claim for depreciation Value for 5 nos 22045 of Shimoga village owing to their conversion from wet to dry by the breach of Someshi Tank by Government -

I most respectfully beg Kind reference to my oreginal memoreal dated 5th December 1941 and the last representation dated 11th July 1942, submitting to memo of facts & Cy together with copies of Award order in Land Acquesition Case Nos 1 and 65 of 1938 39 of Shimoga Revenue Sub Division Officer, and humbly pray for early orders for the payment of the amount and issue of endorsement advising me of the orders passed

Begging to be excused for encroachment on your precious time

I beg to remain
Most Respected Sir
Your Most humble Servant
Shamarao

OFFICE OF THE MINISTER
FOR FINANCE & REVENUE
13 AUG 1942
No. 12013

Someshi Bungalow
Eastern Portion
Shimoga 6th August 1942

Appendix F G—1]

SUBJECT

Section Rl

File No 165-41

Serial No 5

Endorsement Granted to

No L 2054

To Mr C Shama Rao

Eastern Portion of

Somiah's Bungalow.

Shimoga

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 15/8/42

Signed by

With refce to his petition dt 6/6/42 addressed to the Minister for Fina and Revenue praying for the gra of Compensation due to him for the acquisi of his lands due to him in Comm with the breaches of the Somvah bank at Shimoga, Mr C. Sham is informed that Govt have taken necessary final orders and he may therefore approach the D Shimoga Divn in the matter

By order

for Secy to Govt

Rev Law Dept

List of enclosures

Copied by

Examined by

Memo No L 2055 dt 15/8/42

Copy of the above is forwarded s/c to the D C Shimoga Divn for information

Received 22-8-1942

B o

for Secy to Govt

Rev Law Dept

WD 0416 GSB—60 000—2-10-41

119

No A 1.C 1145/36-37
Enc 3

OFFICE OF THE DEPUTY COMMISSIONER
SHIMOGA DISTRICT
Camp Jog Falls,
Dated ~~Shimoga,~~ the February 3rd 1938

FROM

M SESHADRI, Esq , M A ,
Deputy Commissioner
Shimoga District,
SHIMOGA

To K V ANANTARAMAN, Esq , B A ,
Revenue *Commissioner, in Mysore,*
BANGALORE

Subject — Breaching Somiah's Tank in Shimoga Town

SIR,

Referring to your D O letter No C 2118/37-38 dated 8th January 1938, calling for a report regarding the adequacy of the compensation proposed by the Shimoga Town Municipality for the conversion into dry, of the wet lands under the achkat of the tank referred to above, I have the honour to state as follows --

The tank in question has an atchkat of 130 acres and 38 guntas assessed a t Rs 349-1-0 Out of this, a total area of 11 acres 19 guntas has already been acquired for the Manganese Tramway line, the Shimoga Arasalu Railway line, and the Forest Timber yard near the Shimoga Town Railway Station The area now under occupation is 119 acres and 19 guntas But barely a fourth of this area or 24 acres and 12 guntas, is under actual cultivation, while the remaining area viz 95 acres and 7 guntas has been lying fallow for several years past This area includes an extent of 44 acres, 6 guntas of devadaya inam of the Pillangeri temple For several years past, these lands are being leased out for hulbanni for Rs 110/- per annum

The Assistant Commissioner, Shimoga Sub Division has, in consultation with the Executive Engineer and the President of the Shimoga Town Municipality, investigated the value of lands in this area It is ascertained from the records of acquisition for the Shimoga-Arasalu Railway line in 1928, that compensation has been paid at Rs 200/- per acre for wet lands under this tank Market values have of course, gone down very much of late, owing to the

fall in prices of agricultural produce The actual value put upon the lands now ought to be very much less In any it cannot exceed Rs 200/- per acre The Assistant Commissione Shimoga Sub Division has reported, after an examination of th Registrar's Indexes and the village accounts etc , that the v of the best dry land in this locality will not exceed Rs 100/- acre

It would be reasonable to pay to the owners, compensation conversion of their wet lands into dry on the basis of the diff ence in market value Out of this 119 acres and 19 guntas of atchkat now remaining, an area of 4 acres and 8 guntas is propo to be acquired out-right for the channel to lead off the water of the tank into the Tunga river The remainder will be 115 a and 11 guntas It is this extent that will have to be converte from wet into dry Of this, as already mentioned, only 24 acre and 12 guntas are under actual cultivation, and the other lands are lying fallow For the lands actually under cultivation, it is reasonable to award compensation on the basis of the differe in value between wet and dry lands and for the lands not under cultivation, the compensation may be just valued On this basis, the compensation to be paid would be,

24 acres 12 guntas at Rs 100/- per acre	Rs 2,460/-
90 acres 39 guntas at Rs 50/- per acre	Rs 4,550/-
4 acres 8 guntas to be acquired outright	Rs 840/- (940)
	Rs 7,850/-

of Rs 7850/- on the whole The Municipality has proposed Rs 9,000/ for this item I believe that the compensation proposed is quite adequate The figures given above, represent the maximum and I think the actual compensation to be paid, ought to be very much I am enclosing a statement showing particulars of the atchkat and the area acquired already/out of it

The enclosures to your letter under reply are herewith returned

I have the honour to be,
Sir,
Your most obedient servant,
Sd/- M Seshadri,
Deputy Commissioner,
Shimoga District

"Copy"

Deputy Commissioner,
Shimoga District

Appendix F G—1]

SUBJECT

Section Rev

File No 165-41

Serial No 2

Diary No of letter replied to ..

No L2187/V The D C Shimoga Dt
Shimoga

To Sir,

General and Revenue Secretariat

( )

the *194* .

In Continuation of
G O No L1937-41/Rev 165-41-4 dy 12 8 42
and their office memo No.

Date of issue 20/8/42

sanctioning the grant of an advance
of Rs 7000/- from out of the T. P.
Grant for the current year in order
that the claims for Compensation due to
the atrocities in Connection with
the breaking of the Sowcar's
bank at Shimoga may be settled
early and of the office memo No
L 2055 dy 15 8 42 addressed to you in
the matter of settlement of the
claim of Mr. C. Shama Rao. In this
behalf, I am directed to enquire

Signed by M G Rao

List of enclosures

Copied by 17/8/42

Examined by

12-3-

If the claim of the Petitioner
has since been settled and if not
early action may be kindly taken
to do so and an immediate
report submitted to Govt.
Mr Parikh has been sending frequent
reminders to us for the settlement
his claim

I have ok
John

For Secy to Govt
Leh Law Deptt

123

17 NOV 1942

To

The Chief Secretary
to the Government of Mysore,
BANGALORE

Most Respected Sir,

With reference to my memorial to the Minister of Revenue and Finance to the Government of Mysore dated 5th December 1941, I was favoured with an endorsement by the Law Secretary to Government on 15th August 1942 No L 2054/M1 165-41 informing me that the Government have passed necessary final orders and that I may approach the Deputy Commissioner in the matter, I submit herewith copy of my application to the Deputy Commissioner Shimoga dated 19th August 1942 and my representation to the Assistart Commissioner, Shimoga Revenue Sub Division praying for early payment of the amount with interest from April 1938 for kind perusal Since the question of payment of interest has not been explicitly stated in the order passed by Government the local authorities are evading the payment of interest I therefore respectfully pray that the payment of interest be kindly pointed out to the local authorities so that the payment of interest from April 1938 be made clear so that the local authorities may not ignore the payment of interest from April 1938 which is a charge which I am from the commencement praying to be clearly ordered as prayed for by me

For which act of generosity, I shall ever be,

Most Respected Sir,
Your most obedient servant,
C Shama Rao

Shimoga,
14th November 42
Eastern Portion of
Somasha Bungalow
Shimoga

To

The Deputy Commissioner,
Shimoga District,
Shimoga

Respected Sir,

I beg to state that regarding my claim for depreciation value to my lands, survey numbers 22 and 45 below Somiah's tank at Shimoga, I approached the Minister for Finance and Revenue to the Government of Mysore with a memorial on 5th December 1942 praying to treat my case separately and order early payment of the depreciation value together with statutory allowance and interest from April 1938 duly considering the serious loss sustained by me by the sudden breaching of the tank and the long delay caused in the non-settlement of the depreciation value Owing to extraneous circumstances, I approached the Minister lastly on 6th August 1942, pressing for early orders for immediate payment of the amount To this requisition I am favoured with an endorsement dated 5th August 1942 informing me that final orders have been passed and that I may approach the Deputy Commissioner, Shimoga District, in the matter

I therefore request you to be good enough to consider my prayer and kindly order the payment of the amount to me at your earliest convenience in view of my urgency and my old age and favour me with an endorsement advising me of the orders

For which act of kindness I shall ever be,

Respected Sir,
Your most obedient servant,
Sd C Shama Rao

Eastern Portion of
Somiah's Bungalow,
Shimoga,
19th August, 1942

"True copy"
C Shama Rao

To

The Assistant Commissioner
in charge of Shimoga Revenue Sub Division,
Shimoga

Sir,

In connection with my claim for depreciation value to wet lands below Somiah's tank at Shimoga which was breached in April 1938 I appeared in person on 27th August 1942 as per notice served on me During the course of the interview I was informed that the Government is pleased to sanction a rate of Rs 100/- per acre of wet land under wet cultivation and Rs 50/- per acre of wet land lying fallow or under other than wet crop at the time of breaching of the tank I have personally represented the extent of my claim and my statement has been recorded In support of my claims and to make matters clear I beg leave to submit the following facts for kind consideration in awarding the depreciation value as sanctioned by Government

The wet lands in my khate behind the tank are S No 22 of 11 acres 13 guntas and S No 45 of 2 acres and 5 guntas These lands had the advantage of supply of water from both the sluices of the tank During the interview it was for the first time brought to my notice that in the statement submitted to Government it is mentioned that only 3 acres 4 guntas of wet land was under wet cultivation and the rest fallow at the time of the breaching of the tank The pahani extract and award order in Land Acquisition case No 1 of 1938-39 go to show that larger area than that reported was under wet cultivation Further the fact that I had ploughed the remaining portion of the land and left unsown (ಹೂಸ ಬೆಳೆ) with a view to raise a crop of sugar cane has been entirely ignored I may add that I had sown green gram in the major portion of the ploughed area to enrich the soil I have personally given corroboration to the above facts with reference to the pahani extract and sketch of the village map Lastly I beg to represent that I had invested a large sum of

126

money to recruit labour for raising sugarcane crop in the major portion of my land In due consideration of the above facts I beg to pray that I may kindly be awarded depreciation value to the entire extent of the lands in my khate at the rate sanctioned for lands under wet cultivation - Rs.100/- per acre

Secondly regarding the rate of Rs 100/- and Rs 50/- sanctioned by Government I beg to invite your kind reference to orders of awards in Land Acquisition case Nos 1 and 65 of 1938-39 In case No 1 an extent of 1 acre and 10 guntas in S No 22 acquired for purpose of breaching the tank, I was granted compensation at Rs 200/- per acre In case No 65 of 38-39 the area of 21 guntas in S No 22 acquired after the breach of the tank was treated as dry land and payment made at Rs 40/- per acre From the above award decisions it may kindly be seen that the depreciation value is Rs 160/- per acre I, therefore, pray that in my case the rate of Rs 160/- per acre may kindly be granted as depreciation value for 11 acres and 27 guntas

Thirdly I beg to represent that the payment of the depreciation value has been pending from April 1938 The conversion of my wet lands into dry ones has greatly reduced my annual income and I have been deprived of the opportunity to improve the same by the non-payment of the compensation amount In L A case No 1 of 1938-39 I have been awarded interest at 6% for the delay in payment of the compensation of for the land acquired for the breach of the tank vide orders in Mis case No 37 of 1938-39 of the Additional District Judge's Court Shimoga I, therefore, pray that I may kindly be granted interest for the amount of depreciation value also

Lastly I beg to bring to your kind notice that S No 45 in my khate is Brahmadaya Enfranchised Inam land - 2 acres 5 guntas in extent - with a wet assessment of Rs 7/- before the breaching of the tank I was paying a Jodi of Rs 1-15-0 thereby enjoying a Jari of Rs 5-1-0 By the conversion of wet land into dry the present assessment is Rs.2-8-0 (about) but I am continuing to pay the Jodi of Rs 1-15-0 I have thus been made

to lose a sum of R 4-8-0 of Jari which I was enjoying before the breaching of the tank I pray for the grant of R 200/- to compensate the loss of the enjoyment of a jari of R 4-8-0 per year

In conclusion I beg to request that the above reasonable redress sought for may kindly be considered favourably and my prayers granted I further pray for kind reference to my representations to the authorities and to Government on this subject which I hope, will convince you of the circumstances and facts to consider my case as a special one and grant all my prayers

For which act of generosity I shall ever be,

Sir,
Your most obedient servant,
Sd/ C Shanna Rao

Eastern portion of
Somiah's bungalow,
Shimoga,
29th August 1942

"True copy"
C Shanna Rao

To

The Chief Secretary
to the Government of Mysore,
BANGALORE

SIR,

Petition of C Lakshmipathiah, Somesh's Bungalow, Shimoga

In 1938 the Amildar, Shimoga Taluk issued a notice to the Achkatdars of the Somian's tank in Shimoga Kasba stating that wet crops should not be raised in the lands under the tank as the tank will be breached The Achkatdars including the petitioner who is in possession and enjoyment of Survey No. 41/3 in Shimoga Kasba below the said tank prayed that the tank should not be breached before the rate of depreciation compensation payable to the lands is settled No heed was paid to this prayer and the tank was breached

After sometime under orders of the Amildar, the Revenue Inspector, Shanbhogue and the Patel of Shimoga Kasba prepared an estimate of the value of wet lands and valued the lands at an average of Rs 300/- per acre as two paddy crops were raised on them during the year

The Deputy Commissioner Shimoga District issued a notice to the Achkatdars to State the rate at which they claimed the depreciation compensation and to produce documentary evidence in support of their claims The Achkatdars including the petitioner stated that they may be paid compensation at the rate of the amount of difference in price per acre of wet and dry land or Rs 200/- per acre on an average, The petitioner stated in support of his claim for compensation for Survey No 41/3 that when on 25-11-1907 18 Guntas of land were acquired for the tram line of the New Manganese Company Limited the then Deputy Commissioner got the petitioner paid Rs 200-13-9 i e , at the rate of Rs 446-0-0 per acre When another area 16 Guntas of land out of the said Survey Number was acquired by Mysore Government in 1923 for the Shimoga - Arasaloo Railway line Compensation at Rs 226-0-0 per acre was paid by the Land Acquisition Officer The copies of award granted to the petitioner have been produced and filed with the record

The market value of the land before the breach of tank was Rs 500/- per acre and the present value is 40 to Rs 50/- per acre The Deputy Commissioner

orally told the peitioner that he would pay compensation at Rs. 100/- per acre of cultivated land and at Rs 50/- per acre of uncultivated land

The petitioner stated that the distingtion of cultivated and uncultivated was not taken at any time in awarding compensation and the same should not be considered Now as it costs more than the amount of compensation paid to bring to one acre of uncultivated land under cultivation and that the petitioner was not agreeable to receive compensation at the rate offered

The Deputy Commissioner without passing any orders sent the records to the President, Shimoga Municipality under Section 142 of the Municipal Act and issued notice N L A 5 Acqu 46/38-39 dated 8-8-1940 to the petitioner directing him to approach the President for payment of compensation (The notice is herewith produced) although the lands below the lands below the tank were not in the Municipal area

The Municipal President had then to apply to the Government Sanction for extending the Municipal area The record lay with the Presient till 12-2-1942 when a notice was served on the petition by the President to reapproach the Deputy Commissioner (the notice is herewith attached)

Though it is more than 4 years since the tank was breached no compensation payable to the petitioner has been paid The peitioner now learns that a reference has been made by the Deputy Commissioner, Shimoga to Government in the matter and prays that taking into consideration the long delay and the other parts of the case the Government will settle the reasonable rate of compensation to be paid and order the Deputy Commissioner Shimoga District to pay the compersation amount to the petitioner early without any further delay with interest on the amount from the date of the breach of the tank in 1938 till date of payment of compensation

For which act of kindness the petitioner will as in duty bound ever pray

The petitioner begs to remain,
S I R
Your most obedient servant,
B Lakshmipathiah

Somiah's Bungalow,
Shimoga,
Dated 16-11-1942

130

Office of the Deputy Commissi
Shimoga District,
Dated Shimoga, 8th August 1940.

D.M.A.B.Acqn.46/38-39.

To

Mr C. Lakshmipathiah.

Endorsement

With reference to their petitions praying for the settlement of compensation, the Ayacutdars under the Doniah's tank are hereby informed that the petitions have been forwarded to the President, Shimoga Town Municipal Council, for disposal under Section 142 Municipal Act. They may approach the President in the matter.

Sd Suryanarayanappa
8-8-40
For Deputy Commissioner,
Shimoga District.

Town Municipal Council,
Dated Shimoga 12-2-'42

131

Reference - Application dated 7/42 from Mr Laxmipathiah praying that the depreciation value of the land belonging to him below Sonalah's Tank acquired by the municipality may be paid to him

Endorsement

With reference to the above application, Mr Laxmipathiah is hereby informed that the records relating to the acquisition of the said lands have been sent to the Deputy Commissioner, Shimoga, for disposal He may approach the Deputy Commissioner for consideration of his grievances

President,
Shimoga Town Municipal Council

13/12/42

Town Municipal Council,
Dated Shimoga 8th Feb '42

O R D E R

Prosecution is sanctioned against one r

3381/132

To

The Chief Secretary
to the Government of Mysore
Bangalore

Sir

I respectfully Most Respected Sir...

I request your kind preference to my recent petition dated 12th instant and to its enclosures and pray early orders for immediate payment of depreciation Value together with interest for my lands below Somesahs Tank at Shimoga as my old age and weakness through Malarial attack prevents me in person to come again to urge for early orders

I beg that I may be favoured with an endorsement at least for my present petition at your earliest Convenience

I beg to remain
Most Respected Sir
Your Most obedient Servant
C Thimma Rao

Eastern Portion of
Somesahs Bungalow
Shimoga Dt 28th November 1942

CHIEF SECRETARY
1 DEC 1942
COIMBATORE

2909/133
1

GOVERNMENT OF MYSORE

Telegraphic Address

OFFICE OF
the Deputy Commissioner,
Shimoga District,
Shimoga,

No M 3 C 3090/41-42
Encls Two

Date 6th November 1942

ML 165-41-7

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore

SECY LAW DEPT
GOVT OF MYSORE

Subject - Somiah's tank at Shimoga - Breaching of - compensation to the Atchkatdars for the loss of irrigation rights

---

With reference to Government Order No L 1937-41/ML 165-41-4 dated 12th August 1942 on the subject noted above, I have the honour to state that there appears to be a slight mistake in the wording of the Government Order under reference It is stated in para 1 of the above Government Order, that besides the wet lands, a sum of Rs 50/- per acre is proposed to be given as compensation to the atchkatdars for the acquisition of dry fallow land It may be mentioned in this connection, that the question of acquisition of dry fallow land does not at all arise The question relates to the atchkat of the tank and not to dry land It is for the loss of irrigation rights of the entire atchkat lands of the tank, (Since converted into dry) that the owners of the land have to be compensated There is no question of acquiring any of these lands The difference in the rates of compensation, is due to the fact that, although all the lands in question are classed as wet, an extent of 24 acres and 12 guntas only, was under cultivation and as such, a higher rate of compensation, viz Rs 100/- per acre, was recommended in respect of this extent The remaining extent viz , 90 acres 39 guntas, was not under cultivation at all for a very long time and was being used as pasture land Hence a lower rate of compensation, viz , Rs 50/- per acre, was recommended in respect of these lands These facts have been explained in this office letter of even number, dated 4th July 1942, referred to in

preamble

134

preamble of the Government Order under advertance

2 In these circumstances, I request that the Government Order may kindly be suitably revised on the lines noted above

3 In this connection, I may add that a detailed list showing the amounts due to each atchkatdar on the above basis, has been prepared by the Sub Division Officer, Shimoga Sub Division The President, Municipal Council, Shimoga, who was requested to send a bill for drawing the amount of Rs 7,000/- as per precedure prescribed in this behalf, has replied in his letter No C 1 80/41-42 dated 18-10-1942 (copy enclosed with a copy of the Council's resolution) that there is no question of acquiring any dry land in this case and that a bill for Rs 2430/- only for the loss of irrigation rights in respect of the wet lands (under cultivation) may be prepared and sent for countersignature and the amount treated as a special grant to the Municipality Necessary action to draw the entire grant and to disburse the same, will be taken after the Government Order is modified as stated above

4 I request the favour of very early orders as requested in para 2 above

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Shimoga Dis-trict

s /

Letter No C1-80/41-42 dated 18th October 1942 from the President, Town Municipal Council, Shimoga, to the Deputy Commissioner, Shimoga District, Shimoga

Subject - Payment of compensation to the Ayatchkatdar under the Somia's Tank

In continuation of this office letter No C1-80/41-42 dated 16-10-42 on the above matter, I have the honour to state that the Council in their special General meeting held on 18-10-1942 passed a resolution after discussing the subject at length a copy of which I have herein enclosed for your kind perusal They are of opinion that no compensation is payable in respect of the acquisition of dry lands measuring 90 acres 39 guntas below the Somiah's Tank in as much as dry cultivation has not been prohibite and that this question did not rise at any time for consideration So far as the wet lands are concerned, the council are of - opinion that they have no objection to the payment of compensation, by Government at Rs 100/- per acre which aggregates to Rs 2430/- treating the same as special grant in view of the slender resources of this Municipality

Hence I request you to kindly cause a bill to be prepared for Rs 2430/- only and forward the same to this office for being countersigned and return

"Copy"

Deputy Commissioner,
Shimoga District

Extract of the proceedings of the special general meeting of the Council held on 18 10 42 at 5 pm

136

× ×

೭೦ ಅಂಸ್ಯಂತ್ಯನಂರಿಬಡಿದದ್ದಂದ ಅಚ್ಚರೆಟ್ಟದಾಂದಂನಿ ಬಂಪ್ಪನಾ ಅನಬುಂವುದುಂದ ಇವಂನಿ ಕಾಂಬಿಕೆಮೇಷ್ಟಿಕೆಂಡಲುವುದಕ್ಕಿ ಕರ್ನಾಕರದವಂದ 7,000/- ರೂಪಾಂಯಿ ಮಂಜೂರ್ನಾಡಿರುಶ್ಶಾಂ ಆ ರೂಪಾಯನ್ನಲಯನಿನಿ ಪೊಂಟಿಯಂದುವನೂ ಅನ್ನಿ ತಟೆಕೊಂದು ತಿರ್ಮಾಟಿರಮಿಷ್ಟೆ ನವಂಂಕಯಂದಿರು ನ 19 8 42 ರ ಲೆಟರ್ ವಿಟ್ಟಾರ

Resolution - Subject was considered and discussed The Akkadars of the wet-lands have only asked for compensation for the rendering of wet lands into dry lands on account of the breaching of Somanahas bank Government appears to have directed the payment of Compensation for acquisition at the rate of Rs 50/- per acre in their order No L 1937-41 Rl 165-41-4 of 12 8 42 even in respect of dry lands The Municipal Council are of opinion that in any case no Compensation is payable

PTO

Irrigation rights

of the akkadars Composed of an

the near [illegible] of dry [illegible] measuring 90 acres [illegible]
This question did not arise for consideration at
the Municipal Council have no objection to the payme
compensation per acre of wet lands aggregating to the a
Government treasury, the same as a special grant
of the slender resources of this municipality

(Sd) (Ramanuja
Vice-Pre

Yours
[signature]
President
Town Municipal
Shimoga

90 acres 3 [illegible]
for consideration at [illegible]
the question to be payable
[illegible] lands aggregating to Rs 24
[illegible] as a special grant
[illegible] policy

(Sd) C Ramaswamy

S App F VI—G ?

JECT

Secretary No of letter replied to

General and Revenue Secretariat

( )

the 193

Date of issue 29/1/43 193

Signed by Mr GPRao

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

13-8-

T W ab

7 Copies

Section ML

File No 165-41

Serial No 8

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—Go No L6962-65/ML 48-38-103 dy 1 3 1939 sanctioning a revised estimate Rs 6364/- for the work connected with the breaching of Somahs tank at Shimoga as an anti malaria measure, the work being executed by the PWD

G O No 1937-41/ML 165-41-4 dy 12 8 42 and letter dy the grant of an advance of Rs 70 dy from out of the T S Grant for the current year, required to settle the claims for compensation of the atchkatdars for the loss of irrigation rights in respect of the atchkat comprised in an

Order thereon—No

extent of 115 acres and 11 guntas
of land subject to the recommendation
later on from the Funds of the
Shimoga Town municipal Council

3) Letter No Dy3-C 3690/41-42
dt 6-11-42 from the D.C Shimoga Dt
stating that the 2nd of the G.O's
read above requires to be modified
slightly and that necessary
action would be taken to settle
the claims of the atchkatdars
after the G.O is suitably modified

Order No L.74.28-32 dt 29/1/43

The modification of the
G.O dt 12.8.42 Govt are
pleased to state the grant
of an advance of Rs 7000/-
from out of the T.F. Grant
for the current year

The D.C Shimoga desires
has reported that the
total atchkat under the aforesaid
Somiahi tank excluding the
extent of land already acquired
for the Railway, tramways etc —
is 115 acres and 11 guntas of land

List of Enclosure

Copied by

Examined by

WD (3602-GPB—22 500—12 7 35

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

Out of which an extent of 24 acres and 12 guntas of land was actually under wet Cultivation while the remaining extent of 90 acres and 39 guntas, although classed as wet land, is fallow land not actually under wet Cultivation at the time of and for and prior to breaching the ~~Reservoir~~ bank, He has therefore proposed to grant Compensation for the loss of crops at the rate of Rs 100/ per acre and Rs 50/- per acre in respect of the ~~wet land~~ extent 24 acres 12 guntas of land actually under wet Cultivation and in respect of the extent of 90 acres and 39 guntas used as pasture land ~~not actually under wet cultivation~~ respectively. He The D.C has ~~Proposed~~ estimated a sum of Rs 7000 approximately would be required in order to settle the claims for Compensation of the Akkadars on the above mentioned basis

A

WD 0280—GPB—22 500—14 3 38

Govt are In modification
of the G.O of 12 ult
read above, Govt are
pleased to approve of the
proposal of the D C as
to grant an advance of Rs 2000
from for the purpose from
out of the T. I & rents for
the current year, subject
to recoupment from the
funds of the Shimoga Town
Mul Council

The D.C is requested
to take action to settle immediately
the claims for Compensation of the abstracters and
and submit a detailed report
with particular reference to
the liability and ability
of the Shimoga Town Mul
Council in regard to
discharging of their responsibility
in the matter

To,
The D.C Shimoga ✓
The Rev Comm ✓
The Dir of P W ✓
The Comptroller to Govt Bglr
The Chief Engr of Mys

for Secy to Govt
" Law Dept

pp F G 9]

GOVT OF H H THE MAHARAJA
OF MYSORE

GEN & REV SECRETARIAT

OFFICIAL MEMORANDUM

No

The accompanying 3 Petitions Registered as mongeral
Nos 3092/42, 3112/42 & 3381/42 dated 14 11 42, 16-11-42 &
respectively received at the General and Revenue
Secretariat from Mr. C Shama Rao
of Shimoga, praying for the
settlement of his claim for
Compensation for loss of irrigation
rights under the new Contract
with the breaches of Tunga
Bank at Shimoga together with
interest from April 1938 &

We
are forwarded, together with its enclosures
to the D.C. Shimoga Dist
for favour of disposal
for

By Order,

For Secretary to Govt
Rev Dept

BANGALORE,
'19

[P T O

WD 03623—GPB—3 750—6 8 3.

[illegible]

By Order,

Secretary

(F No 45]

5240.

GOVERNMENT OF MYSORE

L S G BRA.

OFFICE OF

Tele gram / phone

The Director of
Horticulture in Mysore,
Lalbagh, Bangalore,

No 2652/H
Encls

Date 22 February 1943

To

4523

T Shamanna, Esq., M A ,
Assistant Secretary to Government,
General and Revenue Secretariat,
Bangalore

Sir

Dear Sir,

Hc 463-4c

With reference to your d o letter No D 256 dated 8th July 1942 enquiring if the irrigation rights were acquired in respect of the lands under the Sunkal Tank acquired for this department and if so to quote th number and date of the Government Order on the point, I write to state that the lands in the Audugodi village under the Sunkal Tank were acquir by the Revenue Department as per G O No D 7113-17/GG 66-26-20 dated -(-c 21st January 1929 and handed over to this department on 3rd July 1929 fc the extension of the Horticultural Farm already established in the tank bed since 1908

If these are the lands meant in your d o letter under referer it may be stated that the irrigation rights enjoyed by the owners of these lands appear to have been paid for at the time the Sunkal Tan was breached i e prior to 1908 The copy of the Government Order acquiring the irrigation rights is not available in this office T owners were paid for extra for the irrigation rights is gleaned f: following passages appearing in the copy of the Judgment Order of Second Additional Subordinate Judge, Bangalore, in Mis Case No 31 1936-37 (Muninanjappa Vs The Land Acquisition Officer)

> "IV These lands have got a history both before and aft acquisition Once they were all pucca wet lands irrigat by the water of the tank known as Sunkal Tank That tan was however breached in 1910 and then all the lands u its Atchkat were not only assessed at dry rates their owners were also compensated for the conversion the land into dry "

As these lands have again been reconveyed to their own through the Revenue Department, the Revenue Commissioner to the Government of Mysore may kindly be addressed for definite partic in the matter

Yours sincerely,

No action is called for
This will be defore the office
General.
CS 1/3/43

Pl put up with the file relating to
Branching of Aminabhavi Canal - the
13/3/43

KVP 17 2 43

This is called to
Sec 13/3